DOCUMENT RESUME

ED 354 279 UD 029 017

AUTHOR	Bossone, Richard M., Ed.; Polishook, Irwin H., Ed.
TITLE	School Choice. Proceedings of the Conference of the University/Urban Schools National Task Force (14th, Marina del Rey, California, October 29-30, 1992).
INSTITUTION	City Univ. of New York, N.Y. Graduate School and Univ. Center.
PUB DATE	93
NOTE	99p.
AVAILABLE FROM	Graduate School, City University of New York, 33 West 42nd Street, New York, NY 10036 ($6).
PUB TYPE	Collected Works - Conference Proceedings (021)
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	Community Attitudes; *Educational Change; Educational Vouchers; Elementary Secondary Education; Free Enterprise System; Private School Aid; *Public Schools; *School Choice; School Restructuring; Teacher Attitudes; *Urban Schools
IDENTIFIERS	California; Controversial Topics; Minnesota; New York City Board of Education

ABSTRACT

This publication presents 13 papers selected from a conference on school choice, which was designed to shed light on what is meant by school choice, what proposals are being advanced to achieve choice, and how various sections of the community view the issue. Following a preface and a list of participants in the conference, an essay by Christopher T. Cross offers an overview of the school choice issue, which opens by suggesting a definition of terms by, for instance, calling magnet and similar programs "stage one choice." A central section contains four descriptions of specific programs: choice through public schools at Community School District Four in East Harlem (New York City); choice through charter schools (public schools allowed substantially increased local control and individual options) in Minnesota; choice through vouchers covering programs established in some states and other programs currently being considered in others; and choice through private enterprise such as private management of public schools. The last section offers views about school choice of eight individuals (two educators, two business people, two lawyers, and two legislators). In each pair, one author argues for school choice and the other author argues against school choice. (JB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED354279

PROCEEDINGS:

The Fourteenth Conference of the
University / Urban Schools National Task Force

School Choice

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☒ This document has been reproduced as received from the person or organization originating it
☐ Minor changes have been made to improve reproduction quality
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy

"PERMISSION TO REPRODUCE THIS MATERIAL IN OTHER THAN PAPER COPY HAS BEEN GRANTED BY
R. M. Bossone
CUNY
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Edited by Richard M. Bossone
and Irwin H. Polishook

The Graduate School and University Center
of The City University of New York

UD029017

BEST COPY AVAILABLE

PROCEEDINGS:

The Fourteenth Conference of the
University / Urban Schools National Task Force

School Choice

October 29 and 30, 1992
Marina del Rey, California

Edited by Richard M. Bossone
and Irwin H. Polishook

The Graduate School and University Center
of The City University of New York
1993

PREFACE

The topic of this conference -- "School Choice" -- is the most provocative educational issue today. It is an issue fraught with conflict. As more and more choice programs in various forms become a reality, the debate intensifies. Some say it is the only way to bring about reform in education; others say choice will not help the schools and in some cases will do more harm than good. In short, people are deeply divided about the value of choice plans and what is best for our children.

The purpose of these Proceedings is to shed light on the subject by making clear what is meant by school choice, what proposals are being advanced to achieve choice, and what the pros and cons are regarding school choice as viewed by educators, business people, legislators, and lawyers.

After reading these selections, which reveal benefits and drawbacks of school choice, readers should be more informed about the subject of choice; and this information should enable them to work better with their fellow Americans to find common ground, common ground that will unite us rather than divide us.

R.M.B.
I.H.P.

TABLE OF CONTENTS

	Page
PREFACE	ii
PARTICIPANTS	v
SCHOOL CHOICE: AN OVERVIEW	
School Choice and Education Reform Christopher T. Cross	1
SPECIFIC EXAMPLES OF SCHOOL CHOICE	
Choice Through Public Schools Seymour Fliegel	9
Choice Through Charter Schools Tom Triplett	18
Choice Through Vouchers Sally C. Pipes	24
Choice Through Private Enterprise David A. Bennett	31
PERSPECTIVES ON CHOICE: PROS AND CONS	
An Educator's Perspective: Pro-Choice John E. Coons	39

An Educator's Perspective: Anti-Choice
Ralph J. Flynn 43

A Business Person's Perspective: Pro-Choice
Joseph F. Alibrandi 51

A Business Person's Perspective: Anti-Choice
Patricia L. Willis 57

A Legislator's Perspective: Pro-Choice
William Leonard 64

A Legislator's Perspective: Anti-Choice
W. W. Herenton 73

A Lawyer's Perspective: Pro-Choice
Jerald L. Hill 76

A Lawyer's Perspective: Anti-Choice
Erwin Chemerinsky 84

FOURTEENTH CONFERENCE OF THE UNIVERSITY/URBAN SCHOOLS NATIONAL TASK FORCE

CONFERENCE PARTICIPANTS

CHAIRMAN

Richard M. Bossone
University Dean for Instructional Research/Graduate School
The City University of New York

PARTICIPANTS

Joseph F. Alibrandi
Chairman/CEO
Whittaker Corp., Los Angeles

Rita C. Altman
Associate Superintendent
School District of Philadelphia

John Angelo
English Teacher
Salinas High School, California

Janet Beales
Education Project Director
Reason Foundation, Los Angeles

Barbara V. Bell
Principal/Joe Hall Elementary
Dade County Public Schools, Florida

David A. Bennett
President
Education Alternatives, Minnesota

Alfred Bork
Professor
University of California at Irvine

Maxine Brandenburg
President
Vermont Business Roundtable

Erwin Chemerinsky
Legion Lex Professor
Law Center, University of Southern California

John E. Coons
Professor of Law
University of California, Berkeley

Christopher Cross
Executive Director/Education Initiative
The Business Roundtable, Washington, DC

Anne T. Dowling
Director/Corporate Contributions
Philip Morris Company Inc., New York

Jacklyn H. Ducote
Executive Vice President
Louisiana Association of Business & Industry

William Eggers
Director/Privatization Center
Reason Foundation, Los Angeles

Edith Everett
Vice Chairperson/Board of Trustees
The City University of New York

Henry J. Everett
President/Lexington Associates
New York City

Jerome Finnigan
Manager
Xerox, El Segundo

Gene Flanagan
Dean/Kingsborough Community College
The City University of New York

Seymour Fliegel
Gilder Senior
Manhattan Institute, New York

Ralph J. Flynn
Executive Director
California Teachers Association

Pearl Gasarch
Professor of English/New York City Technical College
The City University of New York

David L. Goodman
Vice President/Corporate Affairs
The Clorox Company, Oakland

Dorothy A. Gotlieb
President/Board of Education
Denver Public Schools

Fred Hechinger
Senior Advisor
Carnegie Corporation of New York

Grace Hechinger
Author
New York City

Irving G. Hendrick
Dean/School of Education
University of California, Riverside

W. W. Herenton
Mayor
Memphis, Tennessee

Thomas Hetland
Executive Director
Center for Rebuilding America's Schools, Chicago

Jerald L. Hill
President
Landmark Legal Foundation, Kansas City

Paul D. Houston
Superintendent
Riverside Unified Schools

Donald G. Jacob
Vice President/External Affairs
Pfizer Inc., New York

Arthur Jefferson
Visiting Professor/Educational Studies Department
University of Michigan, Ann Arbor

Timothy David Karsten
Executive Director
The Karsten Foundation, California

George Knox
Vice President/Public Affairs
Philip Morris Company Inc., New York

William Leonard
State Senator
California

Phyllis S. McGrath
Program Manager for PreCollege Programs
General Electric Foundation, Connecticut

Catherine McNamee
President
National Catholic Education Association, Washington, DC

A. J. Noble
Director/Research and Development
University/Urban Schools National Task Force, Santa Barbara

Paul M. Ostergard
Vice President/Director of Corporate Contributions
Citibank, New York

Linda S. Page
Administrator/K-12 Education Programs
Hughes Aircraft Company, Los Angeles

Sally C. Pipes
President
Pacific Research Institute for Public Policy

Irwin Polishook
President
Professional Staff Congress, New York

Sheila Polishook
Chairperson/History Department/Queensborough Community College
The City University of New York

Pamela A. Riley
Director/Public Affairs
Pacific Research Institute for Public Policy, San Francisco

Helen Roberts
Dean/Instructional Improvement
California State University System Office

Alan Rosenberg
Partner
Proskauer Rose Goetz & Mendelsohn, New York

Barbara Simmons-Holmes
Consultant
Coalition for Excellence in Cleveland Schools

Diane K. Siri
Superintendent
Santa Cruz County Office of Education

Herb Sussman
President Emeritus
Rio Hondo Community College, California

Kevin D. Teasley
Vice Chairman
EXCEL, Los Angeles

Sidney A. Thompson
Superintendent
Los Angeles Unified School District

Donna Thornwell
Program Associate/Grant Procurement Department
Detroit Public Schools

Tom Triplett
Executive Director
Minnesota Business Partnership

George E. Uhlig
Dean/College of Education
University of South Alabama

Edmond L. Volpe
President/The College of Staten Island
The City University of New York

Gloria Weiner
Weichert Realtors
Larchmont, New York

Max Weiner
Dean/Graduate School of Education
Fordham University, New York

Judi Westberg
Director/Corporate & Community Outreach
Family Research Council, Washington, DC

Patricia Willis
Executive Director
BellSouth Foundation, Atlanta

SCHOOL CHOICE AND EDUCATION REFORM

Christopher T. Cross
Executive Director, Education Initiatives
The Business Roundtable

For almost a quarter of a century the issue of school choice has managed to capture center stage as politicians in Washington and state capitols have debated school reform. Choice -- whether called vouchers, a GI Bill for children or the exercise of the free market system -- has managed to inflame tempers, alienate vast segments of the education community and make many citizens furious with the education establishment for not recognizing the value and power of the free-market system. Although many foreign countries, such as Australia and Japan, have established highly successful educational systems based on school choice, many American educators and politicians have been hesitant to endorse such programs.

In our attempts to reform public education, however, we are seeing the beginning of some new approaches being tried. For example, we have companies like Education Alternatives that will run schools within the private sector for a fee, with the hope that they can create a better educational environment. And, of course, we have the most "radical" notion of all in the proposal by Whittle Communications to develop a nation-wide network of private schools that may attract upwards of two million children in 1,000 schools. All of these institutions are to operate within the average amount spent per pupil and all are to enroll 20 percent of their students as scholarship students.

Part of the heat surrounding the choice issue has been due to the failure of many people to define their terms. For example, teachers and administrators often oppose any notion called "choice" when, in fact, they favor such concepts as magnet schools and programs that allow students to attend schools outside their neighborhood -- public school choice. The opposition of educators to even public school choice is usually seen by non-educators, especially business people, as bull-headed opposition to a relatively modest reform.

Therefore, my first, and relatively minor recommendation, is that we all agree on a set of terms to be used to ease communication and dampen the flames of discord. Let us agree that when we refer to (1) magnet and similar programs, we use the term "stage one choice"; (2) truly open public school enrollment plans, "stage two choice"; (3) programs that include charter schools, "stage three choice"; (4) programs like those in Minnesota that provide an option for college enrollment, "stage four choice"; (5) choice programs that include private schools, "stage five choice"; and, finally (6) programs that include religious schools, "stage six choice."

Choice based on voucher systems in Stages 4-6 encounters the problem that educators are not presently able to respond to the variations of a free market. To have a free market, one must assume there is some efficiency in the market; by that, economists generally mean there is elasticity of supply and demand. To have supply increase, suppliers must have access to capital and must have a motivation to expand. Currently, most of the non-public schools in the nation are religiously affiliated, and most of these are Catholic. We also know that in most major urban areas, Catholic schools are

having a difficult time in simply maintaining their current enrollment. In fact, in city after city, decisions have been made to close Catholic schools, not expand them.

Almost by definition, most non-public schools are also non-profit. Non-profit schools have few incentives to expand, usually have a hard time getting access to capital and may feel that the "uniqueness" of their institution would be endangered if major expansion took place. That would be especially true in the case of many religious schools (Jewish, fundamentalist Christian, or others), and those schools with a particular ethnic orientation, for example, Greek, French, Japanese, or those with a special educational approach (Waldorf, Montessori).

None of this addresses the human capital side of the elasticity equation. Most of us would acknowledge that not much would change if we simply took teachers from one setting (the public schools) and moved them over to a private school. We must also note that many teachers would not want to make that job change since the pay and benefits in non-public schools are almost always less than those found in the public systems. In addition, the retirement credits they have earned in public systems would not be transferable.

Equally important is the training of the teaching staff. How can we expect to attract new people to the profession when the time to complete the qualifications to teach is too long and the barriers to certification so great? Moreover, alternate certification represents only a short-term palliative to the problem of supplying adequate staff. In the long-run of course, the supply issue will only be solved if schools and colleges of

education are reformed and state teacher certification regulations are revised to allow those with non-traditional qualifications to enter the profession with few restrictions.

Finally, one might speculate that if everything went well and we were able to double the capacity of non-public schools by, say, the year 2000, we would still have nearly 80 percent of all school-age children in the public schools. Then, what could we do to reform those schools, for surely we will be relying on them to educate the vast majority of our children for decades to come?

In the consideration of school vouchers, one is frequently reminded of the scandals that surround the wide-open choice system known as post-secondary education. Ever since the creation of the GI Bill, and especially since the expansion of student aid grants and loans, we have faced a private for-profit trade school sector that has had more than its share of scoundrels. Students and the Federal government have been victimized by school administrators who run programs that promise much and deliver little. We surely have to be concerned that the creation of the choice programs from Stages 5 and 6 would simply embolden people willing to sell people a bill of goods but unable to deliver. This corruption also exists in preschool programs to some degree, especially where sufficient regulatory authority is absent. Those who are offended by the notion that schools should make a profit point to abuses in trade schools as evidence that profit and education are incompatible. They appeal to the notion that education must remain above the profit motive.

In reality, much of what makes up a school today is tied to the profit-

making sector. Buildings are designed and built by architects and contractors who earn fees and profits. Schools are furnished and supplied by profit-making organizations. Textbooks are published by firms that earn profits. Yet, if one listens carefully to the complaints about our educational system, there are few that recognize those aspects that are tied to the free market system. Almost everything we hear relates to bureaucracy, inertia, low standards, and poor performance. So why then should we fear the free market when it comes to that function which is in the hands of the public sector -- curriculum standards, teaching and student achievement?

Furthermore, even if everything were done to promote non-public education -- capital, adequately trained teachers and adequate financial resources for students -- we would still have more than 75% of our children attending public schools when we enter the new century in January of 2001. To fail to reform our public schools means that we are willing to offer an inferior education to the vast majority of our children, who will, of course, be the political and economic engine of this nation in the next century.

One of the major demands of those who support choice in Stages 5 and 6 is that schools can only act effectively and efficiently if they are relieved of the burden of laws and regulations that apply to public schools. Public schools labor under myriad laws and regulations. The first are those of a civil rights nature. The second are those which govern categorical programs. What we need to do is to separate rules and regulations into these two categories and then work to free schools from those in the second group that operate to the disadvantage of successful education.

There is also the issue of funding. While we would probably all agree that money is not the only factor, we would also agree that it is not immaterial.

What then can we do to reconcile these two divergent views -- that choice is either good or evil? There is no denying that choice at Stages 5 and 6 is equivalent to radical surgery. The major problem is that we do not know if radical surgery would benefit the patient more than a combination of minor system changes and bitter medicine.

The nation's first obligation is to fix the existing system, including the enactment of public school choice, Stage 2. Doing radical surgery may be satisfying to some because it means nearly instant gratification, but it will not really do anything to solve the systemic problems that plague our public schools. Even if networks like Whittle's private schools and voucher systems were enacted, we would still have most of our children in public schools. Indeed, in some places, the enactment of choice would relieve the pressure for systemic reform, thereby making the problems of public school education even greater.

Useful in this regard is the nine-point agenda of The Business Roundtable. This program recommends choice as only one of many strategies that might be used after we have instituted programs to create excellent public schools for all children in every community.

The Business Roundtable proposes to reform public education by changing the system from one based on input to one based on outcome. As in any other part of our society -- health care, manufacturing, services -- we would examine the consequences of our investment to determine how well we were

doing. After all, we determine how effective our health care is by whether we have been treated succesfully. The major factor is value. Was the investment worth the payoff? Was our money wasted? An outcome-based education system would have similar results. We only care that what we receive from the system is proportionate to the investment.

Of course, if we were to have an outcome-oriented system, we must have some way to declare the education goals we expect, and then determine whether or not we have attained those results. This means establishing national standards (not Federal), creating curriculum frameworks to enact those standards, and devising ways to measure both the acquisition and application of knowledge.

But there must be some accountability for educational failure. Quite frankly, we must devise consequences for the system that are real, immediate, and significant. Most states, districts and schools have not yet taken this admonition seriously. There are some working models out there, such as the accountability system in Kentucky. What is critical is that we test those models, implement them, and hold people responsible for making the necessary changes occur. None of this will be easy. Most will be tougher than enacting a voucher-like system.

Of course, when we adopt real consequences, they must be accompanied by true site-based management that permits control of budget, personnel, curriculum and calendar. After all, we cannot hold people accountable unless they have the ability to control their environment. This would require a serious investment in faculty development (major businesses like IBM and Xerox invest 1-5% of their revenue on training), preschool training

programs that accelerate students' ability to learn, and higher technology facilities for learning, such as interactive videos and satellite programming.

All of this is built on some basic assumptions that may seem innocent, straightforward, and incontestable. Which is to say that choice involving non-public schools (Stage 5 and higher) is something that we should accept only after we have tried to alter the system of public education. If we fail at that, then choice is a viable and necessary step. What sense does choice make when, for most, the choice may simply be among poor schools? Indeed, to keep pressure on the public system to change, and to be certain that those changes are of the systemic nature we believe is required, we might consider making choice a reality at a certain date in the future, unless systemic change takes place in the existing system. That date would be far enough away that it would serve as a catalytic agent to spur real reform in the public schools now. It would create a situation where there are good choices for all children, not just a few.

For, unless we save all of our children, and not just a privileged few, our national destiny is in serious jeopardy. What we must do is to unite behind a single reform agenda and make it work. We can stop at nothing less.

CHOICE THROUGH PUBLIC SCHOOLS

Seymour Fliegel
Gilder Senior Fellow
Manhattan Institute

The student population of Community School District Four in East Harlem, New York mirrors the community from which it is drawn. The district serves 14,353 students; 60 percent are Hispanic, 35 percent are Black, 4 percent are White and 1 percent is Asian. Almost 80 percent of the students are eligible for free or reduced lunch programs due to their low-income status; this is a higher percentage than 18 of the city's 32 school districts. Ten percent of the district's students are classified as Limited English Proficiency (LEP); these students come from homes where English is not the primary language and they have scored below a cutoff (the 20th percentile) on a test of English language ability. This is a higher percentage of LEP students than 13 of the city's 32 districts. (Many more students in the district come from homes where English is not the primary language, but these students score above the LEP cutoff.) Reflecting the difficulty of their surroundings, the students' average daily attendance is 85 percent in elementary schools and 82 percent in middle school.

Community School District Four operates 44 schools in 20 buildings. This is one of many characteristics that makes District Four unique within New York City. In District Four, a school is not equivalent to a building; a school is an educational program organized around a central theme and headed by either a director or principal. The position of school director

is also unique to District Four; these are individuals who, in terms of civil service status and salary, are teachers or assistant principals with the responsibility for school management.

District Four's elementary schools are, for the most part, traditional, zoned elementary schools. The district does operate five alternative elementary schools; each of these schools has a unique theme and accepts applications from all interested parents. District Four's 24 junior high schools are all open-zoned schools. None of these schools relies on a captive, geographically-designed clientele; they all accept applications from all interested parents. Some of these junior high schools are organized around particular themes; others are run as traditional junior high schools.

In a typical New York City school district, students move from elementary to junior high school in an automated, impersonal manner. In June of every year, each junior high school receives a computer generated roster of students who have been assigned to their entering class. The roster contains some rudimentary information about the students, their latest standardized test scores, and attendance records. If a junior high school is fortunate, a more detailed record of the students' performance and abilities will arrive at some point in the fall semester; the records of many students will never arrive at their new school. Students have had no interaction with their new school prior to September; they are given no choice regarding the junior high school that they will attend; they have not been asked to reflect on their interests or abilities and to consider the kind of school that is best for them.

In District Four, the process by which students move from elementary to junior high school is treated as an important part of a student's education; it is an opportunity to teach a lesson about decision making and the importance of making choices. All students in District Four must make a conscious choice about the junior high school that they will attend; no student is assigned to a junior high school because of the location of his or her home.

In order to facilitate and make meaningful the transition from elementary to junior high school, District Four operates a formal admissions process. The process is similar to what one would encounter in private schools. Each parent is given an information booklet that describes the program offerings of each of the district's junior high schools. These program descriptions have been written by the schools' directors or principals. Each parent is offered an opportunity to attend an orientation session at which the representatives of each junior high school describe their schools in more detail. All sixth grade teachers in the district are also briefed on the various junior high school programs so that they may be able to advise their students in the choice-making process. Throughout this process the junior high school faculty members speak not only of their curriculum offerings, but also of the workload requirements that they expect from their students. In essence, a social contract is formed: "This is our school; these are the rules. If you choose our school, you accept those rules."

Once students and parents have been informed of the choices open to them, each student must complete an application form. Students must rank

their selections for junior high school; up to six choices are allowed. In addition, students must write a brief statement explaining why they made their selections. All sixth graders' teachers must also provide some information for the application, including their observations of individual students and their recommendations.

Once applications have been completed and forwarded to the junior high schools, these schools retain control over their own selection process. There are no rules governing the procedures that junior high school staff may use in selecting students. There is only one guideline: that schools accept no more than 20 percent of their entering class from outside District Four's boundaries. Schools are free to screen students based on past academic performance or any other academic criteria. For example, a pre-school for the intellectually gifted uses an I.Q. test to screen prospective applicants. This school begins reading instruction with four year olds, a course of study recommended for the average child. Obviously, schools must attract enough applicants and accept enough students to remain in business so most schools must accept more than the top achievers among the pool of applicants. In addition to reviewing a child's academic record, many of the schools in the district require a personal interview with the child as part of the selection process. Personal interaction is seen as essential to the success of the application/choice process.

The results of the admission process are very encouraging. Sixty percent of the students are enrolled into their first choice school, 30 percent are admitted into their second choice and 5 percent accepted into their third choice school. The remaining 5 percent of the applicants are

placed in a school deemed to be appropriate for them after consultation with their parents and teachers.

In addition to facilitating the movement of students from one level of schooling to the next, the admissions process provides the district's administrators with annual feedback on the quality of their educational offerings. The continued existence of each junior high school is predicated on its ability to attract a student body. A school that experiences a decline in applicants must assess its "product" and make revisions where necessary. Over the years, the district has discontinued two schools that could not attract a clientele.

OUTCOMES FOR STUDENTS

Reading Achievement

The most widely-used indicator of success or failure in the New York City Public School System is the reading achievement level of students. Although not without flaws, this statistic is often the sole measure by which the public judges particular schools or districts within the system. Prior to the establishment of the alternative schools and the parental choice system, District Four had the lowest reading achievement scores of any of the 32 Community School Districts in New York City. In 1974, only 15 percent of the students in District Four could read above grade level, less than half the citywide average. By contrast, in 1988, 62.5 percent of District Four's youngsters were reading at or above grade level. This figure was only 2.5 percentage points below the citywide average.

Because the absolute level of reading achievement can be affected by changes in the testing instrument used from year to year, it is often useful

to examine achievement in relative terms by looking at a district's rank among all 32 districts in the city. In 1974, District Four ranked thirty-second among the city's 32 districts. By 1982, the district had moved to fifteenth and it remains solidly in the middle level of districts today. In 1988, the district ranked nineteenth. This represents a slight decline over the last few years, but the community districts are very tightly clustered in the middle range, with the sixteenth ranked district achieving reading scores only 1 percentage point higher than District Four.

Clearly, reading achievement has increased dramatically in District Four. A district that was the worst in New York in terms of reading achievement and one that continues to serve an entirely minority, low income population is now performing at the citywide average on reading tests. This is an example of real across the board improvement in District Four attributable to the implementation of school choice within the district.

Mathematics Achievement

District Four's mathematics scores have also improved since 1983, the first year that New York City administered a system-wide mathematics test. In 1983, 49 percent of the district's students scored above grade level in mathematics. In 1988, 47.8 percent of the district's students scored above grade level on a newer and tougher mathematics test. The improvement in mathematics achievement in District Four, however, may be seen in its ranking relative to other districts in New York City. In 1983, the district ranked twenty-third out of 32 districts; by 1988, it ranked nineteenth in mathematics achievement. The district now performs in the mid-level of performance for New York City's school districts.

ADMISSION TO SELECTIVE PUBLIC HIGH SCHOOLS

Although achievement test scores are important and receive much public attention, the placement of students in selective high schools is a powerful indicator of a school district's success. The New York City Board of Education operates many different types of high schools through its central Division of High Schools. The elite of these institutions, Stuyvesant, Bronx Science, Brooklyn Tech, and The LaGuardia School of Music and the Performing Arts, are highly selective and are among the finest schools in the country. The second tier of New York City's high schools is the "education option" or "screened" schools, meaning that they are open to all, but must select their students according to certain criteria adopted by the central board. In 1987, 180 students entered these schools from District Four. This represents almost 13 percent of the district's graduating class. The ability of a Community School District's students to gain entrance to these selective high schools is a strong indicator of the ability of that district to prepare its students for the most demanding higher levels of schooling.

New York City has high schools that vary greatly in terms of the quality of their educational programs. The top four schools listed are specialized high schools. Students must pass a stringent entrance exam, or audition for Performing Arts, to be admitted to these schools. Officials from District Four report that fewer than ten of their students were admitted to these schools in the mid 1970's. In 1987, 139 students from District Four were admitted to the elite selective high schools. These schools draw students from every part of the city and admit only 5.6 percent of the entire entering high school class of New York City. In comparison, District Four sent 10 percent of its graduating class to these institutions,

almost double the rate for the entire city. The placement of District Four's graduates met or exceeded the citywide rate for each of most selective high schools within New York City.

ADMISSION TO PRIVATE HIGH SCHOOLS

Thirty-six students from District Four were accepted into selective private schools in 1987. Among the institutions accepting students from District Four were Andover, Westminster, Loomis Chaffe (2 students), Brooklyn Friends, Dublin School, Dana Hall (3), Hill School (3), York School, The Rhodes School (6), Storm King School, George School (2), Trinity, Friends, Berkshire, Spence, Dalton, Manhattan Country, and Columbia Prep.

The 355 students placed in private high schools or selective public schools represent the truest indicator of District Four as a conduit for expanded opportunities for the graduates of the East Harlem District. Over a quarter of the district's graduating class earns entrance to the kinds of schools that were closed to the community's youth scarcely a decade ago. The reforms instituted in District Four over the last fifteen years have paid substantial dividends to the community it serves.

THE MANHATTAN CENTER FOR SCIENCE AND MATHEMATICS

The Manhattan Center for Science and Mathematics is a high school that is unique in New York City because it was the first secondary school designed and established by District Four. The school's curriculum requires math and science students to take four years of English, Math, Science and three years of a foreign language. All students take coursework in a sequence that includes classes in computer science, technical drafting and

either electronics or advanced computer science. The curriculum includes advanced placement courses for college credit in English, History, Math and Chemistry.

The Manhattan Center's admissions policy is to accept students who are above or close to grade level in reading and mathematics and who express interest and commitment to math and science. The school gives some preference to students from District Four who meet these general criteria.

Students in the Manhattan Center for Science and Mathematics outperform their peers in other New York City high schools. Data from the latest available study indicate that 86.6 percent of the students who had entered in September, 1982, had earned a diploma by June, 1988. In comparison, the citywide average was 54.1 percent. Almost half the students graduating from the Manhattan Center earn a Regent's endorsed diploma, indicating that they have satisfied the state's most stringent set of course requirements.

The graduating class of 1988 consisted of 245 students; of these, 210 enrolled in four year colleges and 31 enrolled in two year colleges. Although the Manhattan Center is now independent of District Four and its success or failure cannot be attributed to the district, it does provide an example of the improvement that can come from a redesign effort accompanied by the imposition of a choice policy. The former site of one of the worst schools in the city now houses a proud and effective institution of learning.

School choice is a powerful tool in an effort to improve educational performance. The District Four story demonstrates that choice may work more effectively through public schools in a disadvantaged urban community than choice through vouchers.

CHOICE THROUGH CHARTER SCHOOLS

Tom Triplett
Executive Director
Minnesota Business Partnership

Over the past ten years, Minnesotans have dedicated themselves to increasing "choice" in public education. Minnesota enrolls 768,000 children in its public schools. In the 1991-92 school year, 33,800 enrolled in one or more of the state's available choice programs, compared to only 5,181 such students in 1987-88. Even this number is understated, however, because additional thousands of students participate in intradistrict choice plans such as magnet schools. Expanding enrollments in the various choice programs coincides with growing public sentiment in favor of educational choice. In 1985, a statewide public opinion poll showed only 33 percent of Minnesotans favored the concept; by 1992, support had grown to 76 percent. Each item on Minnesota's choice agenda is designed to incorporate the best available options for school success:

Many public schools are instituting some form of site-based management, which empowers teachers and parents to guide learning from the ground-up.

The Post-Secondary Enrollment Options (PSEO) program, enacted in 1985, invites students to enroll in courses at state public or private higher education institutions. The state aid normally provided to the student's local district instead pays the tuition at the higher education institution.

Area Learning Centers (ALCs), created in 1987, encourage students who have had difficulty succeeding in "traditional" schools to enroll in year-round alternative programs offering part-time and full-time day and evening classes.

High School Graduate Incentives, also enacted in 1987, expand the range of alternative learning programs by permitting qualifying students to enroll in private non-sectarian schools which have contracted with local school boards to provide alternative schools for at-risk students.

Open Enrollment, completely phased in statewide during the 1990-91 school year, opens every public school district in Minnesota to every Minnesota child. Once again, most of the student's state aid follows the student to the nonresident district, although parents must arrange to transport students to the borders of the new district.

The Latest Addition to the Choice Menu : Charter Public Schools

Even with all of the above options, many Minnesotans believed that the choice selections were still inadequate. Some of these people came to support "vouchers" for use at private schools. Others hesitated to embrace vouchers, believing that public schools needed stronger community support for the challenges they faced.

A middle ground of sorts was obtained through the idea of "charter public schools." These institutions, which remain a part of the state's system of public education, were created to allow substantially increased local control and individual options within the structure of "public education."

Required to be non-sectarian and non-elitist, charter public schools were proposed as a way to address perceived gaps within many Minnesota public schools:

Traditional public schools are constrained by a variety of state-imposed mandates and regulatory burdens. While many of these may be necessary for many schools, all of them are not necessary in every situation.

A centrally-controlled administration limits schools, no matter how "enlightened" the system's managers are. Thus, effective site-based management can only occur when schools are provided with more flexibility within their traditional hierarchical link with central governing boards.

Public schools need a mechanism that provides the opportunity for grass-roots management of schools. When the entire school community is involved in managerial decisions, education improves as well.

Inter-district choice by itself is not adequate to promote improved education options for all children. Fewer mandates and more discretion are needed to provide the opportunity for greater diversity and innovation in public education.

Teachers are often constrained in the controlled, regimented environment of traditional public school systems. A more flexible and empowering environment is desirable.

Charter Public Schools: Theory and Operation under Minnesota's Law

Charter public schools are required by Minnesota law to increase learning opportunities, encourage the use of different and innovative teaching methods, and create new professional opportunities for teachers. They are truly competitive in nature: their funding is determined by the enrollment they attract.

To govern and operate a charter public school, participating teachers and parents must first form a legally autonomous cooperative or non-profit organization. These teachers and parents then elect a governing board of directors, a majority of whom must be licensed teachers. The board makes all significant school management decisions, including the allocation of school dollars.

A charter public school must receive a charter from a local public school board with the approval of the State Board of Education. The chartering school district need not be the district within which the proposed charter school is to be located. Teachers in charter public schools must be licensed by the state. They are responsible to the State Board of Teaching just as other public school teachers.

Any Minnesota student is free to enroll in a charter public school.

Once enrollment is determined, the state's per-pupil general aid follows each student to the charter public school. Students enrolled in charter public schools may choose at any time to return to their home district or, through open enrollment, to enroll in any other public school in Minnesota.

Commitment to Outcome-Based Education

Perhaps the most important feature embodied in the idea of charter public schools is outcome-based education. Prior to receiving a charter, the institution's board of directors first develops a proposal for an outcome-based school which includes a statement of educational philosophy. The statement defines the targeted outcomes of the school and students are measured by assessments that demonstrate each student's progress toward those predetermined goals. As part of its contractual obligations, each charter public school specifies the assessments it will use to measure the institution's fulfillment of its chosen outcomes, and how the assessment tools will be applied.

Charter Public Schools: The Barriers

The development of Minnesota's charter project is limited both by apparent liabilities and by specific impositions of state law. Because of intense opposition from state teacher unions, the Minnesota Legislature placed sharp limitations on the creation of charter schools. First, as noted above, charter public school boards must obtain local district support. Second, the Legislature limited the number of charter schools in the state to eight.

Charter public schools have not been well received in many Minnesota

districts. First and foremost, local school boards have not wanted to allow competition in the allocation of state education dollars. From the district's point of view, providing students with an innovative education at a charter public school only means a loss of state funds. Additionally, the initiation of charter school discussions has been seen as a judgment against the district's current educational performance. Local school boards, school administrators, and local teacher unions have opposed charter schools, fearing that having their students go to the new school will reflect poorly on their own administration of traditional public schools.

For similar reasons, many local public school volunteer groups have hesitated to support charter schools. They also often find themselves in conflict with other local groups of concerned parents who view charter schools as a means to improve local performance.

The Next Steps for Charter Public Schools

It is too early to tell the results of Minnesota's charter experiment. Today, only four charter public schools have been approved: a K-3 Montessori school in southeastern Minnesota; a K-12 open school in Minnesota's hard-pressed Iron Range; a St. Paul inner-city academy for at-risk students not currently in school; and a metro-area School for the Deaf.

Seven other charter public school proposals were blocked by local school boards. One school that did get local district approval failed to receive approval from the state because of a lack of teacher involvement and because it would have kept open a small school scheduled to be closed. It is difficult to predict whether more charter public schools will be approved. A major public school teachers' union is reportedly determined to

seek repeal of the charter school legislation in the 1993 legislative session.

To counter this and other opposition, a coalition of educators, public officials and private citizens (with strong support from the Minnesota Business Partnership) intends to seek repeal of the law which limits the number of charter public schools to eight. In addition, the coalition wants to bypass local school districts and allow charter public school certification directly from the State Board of Education. Finally, legislation has been proposed that would permit parents, business leaders, or other concerned individuals to be able to start the charter public school process and hire licensed teachers later. This expands the sources of educational innovation and helps teachers avoid the negative personal and professional pressure they have felt when they have tried to start charter public schools.

The future of Minnesota's innovative Charter Public Schools Program is in doubt. Just as with other "choice" programs in the mid-eighties, the public has expressed initial skepticism about the charter idea. However, as media coverage and official support for charter public schools have increased, public support has also grown. Undoubtedly, it will take the success of the first charter public schools to solidify community support and guarantee the future for more. Meanwhile, a broad coalition of Minnesotans are committed to maintaining and improving charter schools as another vital element in Minnesota's menu of school choice.

CHOICE THROUGH VOUCHERS

Sally C. Pipes
President
Pacific Research Institute for Public Policy

Educational voucher initiatives are currently being considered in several states, from California to Michigan, from Colorado to Wisconsin. In Milwaukee, a voucher program proposed by state legislator Polly Williams now enables more than 1000 children to escape inner city public schools for private schools. This program is now entering its third year.

In Indianapolis, Patrick Rooney, the innovative chairman of the Golden Rule Insurance Company established a $1 million "educational charitable trust" that gives private educational vouchers to low income families for tuition in K-8 private schools. Private vouchers are now being distributed by educational trusts in Milwaukee, San Antonio, and Atlanta, with more cities soon to join the wave.

In June 1994, voters in California will be able to choose full educational choice for all students. The initiative is a "state of the art" choice system, embracing all principles of educational choice: open enrollment, school-based management and charter schools, and educational vouchers. Under the "Parental Choice in Education" initiative, public school boards will have to base enrollment decisions primarily on parental choice. Once district enrollment assignments are complete -- in other words, once parents within the boundaries have had first choice -- any remaining capacity must be opened to students regardless of residence.

Parents dissatisfied with available public schools may choose instead to send their children to a private school. The forthcoming California initiative also authorizes public "scholarship" schools and directs the legislature to devise a system to create such schools.

To make all this possible, the initiative offers vouchers, or scholarships, worth at least 50% of the total state and local per-child education costs. (Currently these costs are $5,242 per year. The prospective scholarship, therefore, would be $2,621 per year.) This initiative saves taxpayers money, as the scholarship will be only half the current per pupil cost of public education. More importantly, since the dollar will follow the scholar, the educational system established under the initiative will make schools compete for excellence.

The first response is to recognize that all attempts to reinvigorate the educational system will fail if they depend on reform from within. In a recent issue of The Washington Monthly (Oct., 1992), Katherine Boo reviewed the failure of three of America's boldest school reforms in Rochester, New York,; Chelsea, Massachusetts; and Chicago, Illinois. She attributes the failures, "not in money or theory or intention, but in an educational establishment that has managed to thwart the most righteous of reforms." Ms. Boo cites three sources of defeat: "tenured incompetence, administrative protectionism, and parental detachment and alienation."

John Chubb and Terry Moe, who burst onto the educational reform scene two years ago with publication of their primer on school choice, Politics Markets & America's Schools, recently completed a survey of school reform in Britain and published their findings in the London Sunday Times Magazine

(Feb. 9, 1992). These reforms include school-based management ("opting out"), choice, and accountability.

Britain's experience holds lessons for the United States. For instance, consider "opting out," which is equivalent to the charter school movement in our nation. According to Terry Moe, one of the problems with the opting-out system, "is that it decentralizes power, but it keeps everything else the same. So you have a local education authority (LEA) that still remains in control of education, which in the United States really amounts to a school board, a superintendent, and a bunch of bureaucrats, and above them, politicians."

Professor Moe points to another lesson: "If the Education Reform Act is going to prove successful in reforming the British system, it will because of the role of choice." Actually, what the Education Reform Act did, says Moe, is close some loopholes in the existing open enrollment system. The Act reduced the discretion of LEAs to assign students to schools. Says Donald Maysmiths, Chief Education Officer for the borough of Wansworth in London, "The argument is won. People like and want choice. Having experienced it for some years they are addicted to it. There is no going back."

Research also shows that British parents are not frivolous in the way they exercise choice, and they are not uninformed. Additionally, the heads of schools that are over-subscribed are very proud about it. The heads of schools that are under-subscribed are incredibly apologetic and embarrassed, and talk about all the reforms they are going to adopt so they can attract more children to their schools.

The argument is not whether school choice works. The debate is over

what type of choice and how much choice. The basic problem with open enrollment schemes or magnet schools or other public-school-only choice systems is that the supply of schools is still limited by the bureaucracy. Voucher or scholarship systems, such as the California or Colorado initiatives, change that equation.

An educational voucher system is the mechanism for increasing the supply of schools, and for balancing supply and demand. On the demand side, parents and students must be given the right to select schools. This is not to say that all students will attend the school of their first choice. Schools for which there is an excess demand will turn students away. But those students who are unable to have their first choice should not automatically be consigned to the school closest to their home, or any other school they have not chosen. This is the problem with our current systems of choice.

This leads to a deeper problem in grafting a system of competition and choice onto an established educational system. That is, while it is relatively easy for a school system to restructure its demand side -- to provide parents and students with some choice -- it is very hard for a school system to restructure its supply of schools and different curricula.

At a recent conference on school choice held by the Economic Policy Institute, Robert Witts, who is studying the Milwaukee school system, said that while there is innovation in the public school system, there is no mechanism for creating the best innovations. If the supply side of public education is not properly restructured, changes on the demand side will not generate many benefits.

How can the supply of schools be changed? First, no school should be entitled to students. No student should be forced to enroll in a school that is so bad that no parent would voluntarily have his or her child attend it. Schools that are not chosen should be closed and reopened only under new management. Even in a magnet school system, the most talented teachers win assignments to the magnet schools and the less talented teachers are permitted to continue teaching in the traditional schools which still remain.

It is also essential for a fully public system of educational choice to permit principals, teachers, or entrepreneurs, free from central administrative control, to organize schools when they see the demand for particular kinds of schools going unfilled. This is the philosophy behind charter schools. California's Governor Wilson recently signed charter school legislation comparable to Britain's opting-out system. Parents, teachers, and community-based organizations which establish charter schools will be able to write their own rules and curricula, set new hours, and hire employees under agreements with local school boards. This is a step in the right direction toward educational reform and improving elementary education in California. But it is a small step: only one hundred schools statewide will be chartered over the next five years.

California's charter schools will suffer the same defects of Britain's opting-out system if the only schools created are the ones that central educational authorities permit to be created, for the sovereignty of parents and students will be undermined. Including private schools raises the probability of success. For if any group of parents or any educational entrepreneur is free to organize a school funded by the public system of

educational choice, it is but a small step toward including private schools.

What is the difference between a public school of choice organized autonomously by a group of educators and parents, and a private school? The autonomous public school would need to satisfy eligibility criteria -- for example, requiring particular courses and meeting safety standards -- but private schools must already satisfy many state regulations. Indeed, California's charter school requirements are comparable to current state regulations for private schools. In an effective system of public educational choice, there is little difference, besides funding, between public and private schools, and therefore less reason for prohibiting private school participation.

There is a another good reason for including private schools in a choice system. Private schools would immediately expand the educational supply and the range of educational options. Private schools would ensure that the educational supply would not be dependent entirely on the entrepreneurship of educators willing to bear the risk of starting new schools in a highly politicized bureaucracy.

Private schools would immediately inject competition into the educational system, for in most states, private schools are in abundance. Nationwide, one out of every five schools is private. If tapped, the ready supply of educational options in the private sector can ensure that more parents would actually have their demands fulfilled. Without private school participation, a choice system could easily prove less responsive.

The model for such a system of public-private school choice is this nation's exemplary system of higher education. Nobel laureate economist

Milton Friedman has asked, "Why are we first class in higher education and third class in elementary and secondary schooling?" The answer he says is "exactly the same reason that the Soviet Union is a disaster and the United States is an affluent country. At the higher level of schooling you have competition. There are government schools but there are also private schools."

There is also public funding for state and private universities. After a half a century of federally funded scholarships and aid, including the GI Bill, a higher percentage of students choose to attend public institutions. Most important for our discussion today, "college choice" has improved public universities. Almost half of the full-time, 4-year college students have a federal grant or loan which they may spend at any college, public, private, or religious.

Choice also operates in elementary education. Upper and middle class children already have choice. Their parents can move to areas with good schools or send their children to private schools. Lower income children deserve the same opportunities.

So "Why vouchers?" I say, "Why not?" If people respond, as did California Teachers Association president Ralph Flynn, that the "California initiative is evil," I retort, "Why?" And if they answer, as many do, "because it will destroy the public schools," I again ask, "Why?" And if they respond, "because all the children will leave," I inquire, "Why?"

CHOICE THROUGH PRIVATE ENTERPRISE*

David A. Bennett
President
Education Alternatives

This year marked my twentieth anniversary as an urban public school administrator. This is also the year I decided to leave public education in a traditional role and reenter public education in a nontraditional role. I have left the urban superintendency to become the president of Education Alternatives Inc. (EAI) -- a company dedicated to the concept of private management of public schools. Why I made this change -- and why I continue to view myself as a public school educator -- is bound up with the education revolution currently under way across this country and with my fundamental belief that American schooling can be the best in the world.

Unlike other companies interested in competing with the public schools, EAI is interested in being the public schools. Our relationship with the traditional establishment is as a partner, not a substitute. For example, we do not want to see teachers and their collective bargaining contracts disappear under our management. To the contrary, we believe the teachers in public schools and the contracts under which they are represented are not impediments to world-class schools. Moreover, we believe high-ranking administrators of the nation's schools also ought to be part of the solution, not a target of privatization. Finally, we believe in the

*Previously published in a different version in The American School Board Journal, October, 1991. Printed with permission of author and journal.

continued existence of school boards who make the critical policy decisions and protect the wide-ranging interests of the public.

At this point, you undoubtedly are wondering, if the major components of the school system remain the same, what difference can a private management company like mine make in revolutionizing American public education? The answer, I believe, lies in the ability of private management to empower and galvanize the individuals most intimately involved in the delivery of public education -- the teachers, principals, superintendents, and school board members in the nation's school systems.

Part of the problem, as I see it, is the U.S. has chosen for more than 200 years to govern our public schools as if they were like other units of government. In other words, we govern schools much the way we govern municipal, county, and state services: We have legislative bodies called school boards and executive branches headed by superintendents. As long as the schools are thought of as units of government, it should come as no surprise that they are administered like other units of government.

There is another way: Public schools can be thought of as public utilities. Consider how we approach the governance of other public utilities -- for example, the way we deliver energy to our homes or administer our communications systems. These public monopolies are not managed like traditional units of government. Instead, they are regulated by a public agency but managed by private, for-profit corporations.

Moreover, it is no exaggeration to say that our nation's capacity for delivering services -- light and heat and telephone -- to our homes through these public monopolies is the envy of the world. Flip a switch, and the

lights go on. Place a telephone call, and you get through to the person you are calling. Such service is so reliable we have come almost to take it for granted.

In our schools, by contrast, this predictable level of excellence is not the case. I recognize that providing world-class education is infinitely more difficult than providing energy or telephone service. However, if we believe our education system is fundamentally inferior to the systems in other parts of the world (and there is ample evidence to support this assumption), then it behooves us to look at new models -- not necessarily those of other countries, but ones from our own successful experience.

The first steps toward implementing such models already have been taken. Last year, for example, the Minnesota Legislature passed what is commonly referred to as the Charter School Law. This law makes it clear that school districts have the legal authority to contract -- on a performance basis -- for the operation of their schools.

A certain irony exists in this law in that it reaffirms authority that school districts already have. By this I mean that Minnesota districts -- and for that matter, most other districts in the nation -- already have the right to create contracts for service. It is not uncommon for a large urban school district, for example, to have hundreds of service contracts. This right to contract for service is the fundamental basis for school district's ability to contract for the operation of entire schools. So, even though the Minnesota Charter School Law is probably unnecessary, it serves the

purpose of reminding school districts they have the capacity to establish these contracts.

The company of which I am president, EAI, has opened one of the first of such contract, or charter schools: South Pointe Elementary School in Dade County, Florida. The basis for the design being introduced into the South Pointe School is the Tesseract School, developed over the past four years by EAI.

Under the charter model, a school board contracts for the operation of the entire school district. The traditional role of the school board shifts to a regulatory one: The board monitors the performance of the contractor. The contract incorporates the policy and performance expectations of the board and retains the crucial voice of the public in the public school system.

In the utilities industry, this same regulatory function performed by the school board's counterparts produces a uniform quality of service within an area, regardless of the consumer's economic circumstances. Ample energy and high-quality telephone service are available in rich and poor homes alike. The same could be true of public education -- and that would be a significant improvement over the current situation. Currently, if you flip the light switch in a poor home, the lights go on; but when we flip the switch in schools with high populations of poor students, the education does not go on.

As I see it, then, preserving school board control is our best defense against elitist education reserved only for the middle and upper classes.

By the same token, school vouchers -- the other model often touted for

operating the nation's elementary and secondary schools -- offend our sense of equity. I have no doubt that a full voucher experiment would adequately serve middle and upper-class children. But who in a voucher program would be responsible for ensuring that the education lights would go on in the schools poor students attend? The voucher bypasses or eliminates school boards as the public surrogate. For this reason, I believe, a voucher system would abandon, rather than re-engineer, the public schools.

Retaining school boards as the voice of the public -- but introducing private management as the contracted agent of the board -- is likely to have the following benefits:

A new order of accountability. Too often, school employees, like many other public employees, develop a sense of indifference stemming from the fact that most school jobs are virtual sinecures, and the existence of the "company" is guaranteed. Traditional school systems resist change because there are no incentives that promote improvement -- most everyone's job in the old system is assured.

By contrast, working for a private corporation that enjoys only a contractual existence means all employees are connected to the success or failure of the company. Failure to meet the requirements of the contract and the expectations of individual customers (that is, parents and other taxpayers) has significant consequences for the employees. Put an organization's existence at risk, and the culture of the organization will change in favor of responsiveness.

Competition. Right now, EAI is the only announced company in the business of managing public schools. This will not be the case for long.

If one thing is sure in a free-enterprise economy, it is that lack of competition is a void quickly filled. Others will claim to offer a service similar to EAI's and will establish competition with EAI's model. If school boards are disappointed with one contractor's performance, but do not wish to return to managing the enterprise themselves, they will turn to the competition.

Innovations. Stimulus toward innovation is sadly lacking in our current system. One simple example: Two school districts of the same geographic size serve equivalent populations in the same state. But the transportation costs in District A are twice the transportation costs in District B for the same level of service. What happens? Nothing. The state reimburses both districts for 100 percent of their transportation costs. Where is the incentive for District A to learn from District B how to save on transportation?

Now, imagine District A under private management. The contract for operating the entire district includes a fixed amount of transportation reimbursement from the state. The entrepreneur in District A might well hire District B's transportation director. District A certainly will search for other ways to save, especially in the areas of noninstructional costs. The management firm then can reinvest these savings in the education programs that ensure compliance with the performance goals of the contract.

Innovation -- that is, being able to improve quality and efficiency in reference to the competition -- becomes a survival mechanism. Our current system is more likely to punish innovators and reward resisters. We need to reverse this tendency for the sake of our children.

Liberation. Our current system has developed the "guaranteed existence" culture. If a teacher is treated badly by the principal, if the principal is treated badly by the superintendent, and if the superintendent is treated badly by the board, the system nevertheless survives. The result: Low morale is a virtual given in many school districts. Isn't it about time we treated educators as professionals? Should not teachers have telephones, desks, computers, calling cards -- the accoutrements of all professionals in our society? Possibly the most compelling reason for private management is the possibility it holds for improving professional respect.

I am not arguing that private control is inherently more humane. Private management becomes concerned about these matters because respected workers produce a respectable product. An unhappy, poorly prepared, and poorly treated staff renders a service that is bound to fall short of the standards of the contract. In short, it is in the enlightened self-interest of management to empower staff members and allow them the full range of their professional authority.

Support for what works. In the privately managed school or school district, the premium is on what works within the resources available. The current solutions suggested for curing schooling ills, such as choice, school-based management, and parent involvement, would find a more level playing field if their benefits were measured by private management. Regrettably, ideology, politics, and popularity too often are the basis for what little change occurs in our current system.

Although I personally believe choice, school-based management, and

parent involvement are major components of an improved delivery system, I would be the first in a privately managed public school to abandon these strategies if they proved ineffective and inefficient. We need ideas and vision, but most of all we need to be able to change our ideas and our vision according to what works in schools.

I am excited and optimistic about the chances for redesigning America's education system. We can create world-class schools in which our students perform to world-class standards. We need, however, to create a system -- a uniquely American system -- within which those involved in the education of our youth can make their best contribution. I believe the system that made our public utilities the envy of the world, that is, private management with public regulatory control, can be the model that stimulates the best contributions from all.

And in the truest sense, I do not believe I have left public education. I do not think I ever will.

AN EDUCATOR'S PERSPECTIVE: PRO-CHOICE

John E. Coons
Professor of Law
University of California, Berkeley

The fundamental arguments for choice are neither economic nor pedagogical; they are social. In the United States, schools operated by government have systematically generated group hostility and frustrated basic democratic values. This negative social role has been exacerbated by urbanization, but it is inherent in the basic design. Although the mythology of its managers would have it otherwise, public schools from the beginning have served as an efficient mechanism of segregation by income and race; sifting out the affluent, government offers people the option to cluster in elegant neighborhoods or to enroll in private schools. Government conscripts the rest of the population for a curriculum determined by interest politics and delivered by strangers to whose sovereignty the child is assigned by force. The link of pupil and school is forged without the exercise of judgment by a single human being. No shred of information is relevant to the assignment except the child's address. You live here; you go there; you study this under this teacher. This is called "public" education; it is public only in the sense of the military draft.

Conscription of the ordinary family in this manner has the following effects:

(1) Blacks generally are assigned to all-black schools. The fate of other minorities is similar.

(2) The poor go to school with the poor and thereby reinforce the cycle of poverty.

(3) Teachers must relate to families in the manner of a superior officer; it is impossible to establish the dignity that comes with equal status, for the client has no option to exit. Hence, teachers can never be professionals.

(4) Teachers are discouraged from exercising creative judgment or exceeding the standard workload; many talented people become self-despising time servers.

(5) Stripped of control over the child by strangers, the parent disengages form the educational enterprise and accepts the status of non-responsible observer.

(6) Perceiving the impotence of the parent, the child experiences personal vulnerability and isolation both from the family and the school; there is no advocate within the system whose own fate is linked with that of the child.

(7) In this involuntary and alien environment both parent and child easily descend into a resentment that finds its expression in group conflict or in simple apathy.

(8) Ordinary and low-income families recognize that the same government which humiliates them takes care to respect and preserve the natural authority of wealthy parents; the effect of this discrimination upon civic morale is devastating.

Note that none of these observations concerns "efficiency," test scores or catching up with the Romanians. We hear constantly that the present system fails to teach even the vapid curriculum that is allowed by the lobbyists, and I accept that verdict; but Brookings Institute and Milton Friedman will keep us current on such matters. From my perspective the more basic failure of public school is its crude disrespect for human dignity. Society pays a fearful price for engineering the alienation and irresponsibility of parents and children. When we tell the ordinary family that only the rich are competent to decide for their own children, we set at risk the basis of civil order. Families rightly doubt the authenticity of America's faith in democracy. Seeing themselves as despised and embattled, it is small wonder that our people fall prey to group enmities with their

attendant turmoil. The best recipe for discord is the message that only some of us are sufficiently responsible to exercise authority over our own children.

Of course, parental choice would also encourage division, but of a rather different kind. Families would no longer cluster by wealth, but according to their beliefs, aspirations, and experience of what works for their child. They would form authentic learning communities thereby increasing our "social capital" in the sense identified by neutral authorities, such as James Coleman. And, the values of the First Amendment would begin to flourish in a market place of ideas in which the voice of individual families could at last compete with those of lobbyists and media.

In this kind of "division" lies America's best hope of social stability and mutual respect among those groups that the schools have set at war with one another. The proposed principle of order can be simply stated: the way to engender social trust among groups is for the larger society to demonstrate its own trust in ordinary people. If we want mutual civility, society must respect the dignity and responsibility of all parents. They must be encouraged to educate their own children by choosing among the many ways and institutions that we have recognized as legitimate for the rich. Collectively we must insist upon an educational minimum because we recognize that some parents will neglect their basic responsibility. But, so long as the school (public or private) meets the legal standards that historically have sufficed for private schools, society should honor parental choice. It will be an investment in social trust.

As Stephen Sugarman and I have argued for nearly a generation, any

system of choice with these objectives must "tilt" toward the poor in respect to admission policy, add-on tuition and transportation; further, the subsidy must roughly equal the current expenditure in the government schools. The failure of the upcoming 1994 California initiative to adopt these features has forced us to withhold our support; the defeated Colorado initiative was considerably worse, and we opposed it. Someday, however, some state is going to get it right, and this society will have taken a major step toward the mending of the malignant social divisions that the present orders can only aggravate.

AN EDUCATOR'S PERSPECTIVE: ANTI-CHOICE

Ralph J. Flynn
Executive Director
California Teachers Association

The right of parents to choose which school their children attend is simple in concept, but, as with everything that touches children, complex in execution. The very term "choice" is so laden with political and symbolic overtones that, like baseball and apple pie, the term itself is so emotionally charged it becomes almost impossible to separate symbol from substance. Examining the premise of "choice," one must first determine whether the subject is a choice among public schools or a choice that includes private schools. Each has its own problems, and an attempt to treat these two very different options as the same under the rubric of "choice" is to sow confusion and generate false analogies.

Private school choice is not about education. It is not even about choice. It is about social polarization, money, and politics. At its root, private school choice and vouchers are premised on the belief that the American public school is an irreparable failure which should be dismantled and replaced.

Are America's public schools failing? I say no. Do they have problems? Yes. For all of their problems, America's public schools are worth saving. Moreover, I believe that many advocates of private school choice acknowledge that the American people retain faith in public schools. They also know that taking money away from public education would mortally

undermine the system, and they would get little support for private school funding. By cloaking the deed as "choice," however, these advocates hope to invoke the sanctions of the household gods in order to win public monies for private schools. Private school choice is a deceit because its real end is to dismantle the public schools of America, not merely to provide an option.

Far less contentious than private school choice, public school choice is often used as a more acceptable alternative to private school choice. Public school choice is nothing new in California. At present, except where court-order mandates or consent decrees are in force, public school districts in California already have the authority to allow choice within their respective districts. Inter-district choice is also legal and is in limited use. Neither inter- or intra-district choice is widely used because local Boards of Education are overwhelmed with the day-to-day problems of keeping school doors open. The economics, logistics and social difficulties of implementing either option have not made them viable except in isolated instances.

There is one extensive experiment of public school choice that ought to be revisited when we consider this option. In the 1970s, the U.S. Office of Education participated with the California State Department of Education to conduct a five-year experiment in the Alum Rock School District, near San Jose. The idea was to encourage individual schools within the district to develop specialty themes: science, theatre, language, and others; to provide funding for the teachers to advertise their programs to parents and students; and to attract as many students as possible. By the third year, a distinct pattern began to emerge. Not

surprisingly, the greatest determinant in the selection of a school site by a parent was geographic proximity, the neighborhood school.

Another result, no less surprising on reflection, was that the theme schools, over time, began to look more and more alike. The reason for that is the same reason that McDonald's, Burger King, and Jack-in-the-Box are indistinguishable to all but the most discriminating palate. The demands of clients, students, and the problems of operating efficiency and limited budgets force a homogeneity on the schools.

The results of the Alum Rock experiment, five years and at least $15 million later, was that there was no evidence that students gained or lost by the experiment. Teachers who participated in the program resembled veterans of a prolonged group-encounter experience: they had an experience which they would never forget, but they were not quite sure what took place. The District did get $15 million of additional funding that it would not otherwise have received -- a plus. Alum Rock, previously known as the gateway to the San Jose Waste Treatment Facility, did receive fleeting fame. Finally, a number of academic and graduate students published papers and dissertations based on the Alum Rock experiment.

Alum Rock underscores the fact that while the idea of school choice is fashionable, the data supporting its efficacy are thin. A larger experiment carried out in Great Britain has likewise shown mixed results. According to an article in the January 7, 1992 issue of The New York Times, there is no proof that choice actually improves bad schools. The author of the article, Susan Chira, writes, "some schools are trying to insure good results by screening out less desirable students, where they are handicapped, troubled,

or slow learners, a form of discrimination that American critics fear would occur if choice were adopted in the United States."

The Economic Policy Institute, a liberal think tank based in Washington, DC, recently sponsored a one-day meeting on school choice. At that conference, a study from the University of British Columbia was cited which found that parents "tend to choose schools with higher socio-economic status...." Given parents' proclivity to choose schools based on socio-economic status, schools serving pupils in disadvantaged areas will receive incorrect signals; many of them will lose pupils to high status schools irrespective of teaching practices.

This year, public school choice has added a new offspring in California termed "charter schools." As of January 1, 1993, 100 charter schools may be created that will stand independently of their present school districts and take the state funding for each student enrolled from the parents' school district. California is off on another experiment in school reform.

Minnesota has led the way in charter schools, although to date (October, 1992) only two charters have been issued: one, a rural elementary school in northern Minnesota. The school had been threatened with closure because the district was reorganizing due to a population drop. People in the small town and the teachers who lived there saw the charter option as their hope of survival. The second charter has been issued to a group of teachers in St. Paul who wished to set up a special school for drop-outs. Regardless of the ultimate fate of these two isolated experiences, the sample is too small to teach us about the value of charter schools as such.

Overall, the value of public school choice and charter schools is

unknown. A few schools in Great Britain, under the Education Reform Act passed in June, 1988, have chosen to "opt out" of any control by their school district. These grant-maintained institutions are similar to the proposed charter schools in California and Minnesota. According to Chira, these schools have received "generous grants from the government that have allowed most to buy equipment or fix buildings." Should charter schools show real promise in California, the scope can be expanded. Should they prove to be of little or no value, the probability of long-term damage to American's public schools is minimal. This stands in direct contrast to the private school choice/voucher option where, if the proponents are truly successful, the damage to public schools may be irreparable.

Some argue that private school choice will bring the discipline of the market into education and, through the elixir of competition, cause the public schools to improve. At best, this argument is leap of blind faith. In reality, it is disingenuous. All markets have limits and some markets have more limits than others. The fact that there are more physicians per thousand people in San Francisco, California, than in Des Moines, Iowa, does not mean that medical care is less expensive in San Francisco.

The constraints under which our public schools operate, including a mandate to accept any child (regardless of physical handicap), earthquake building standards far in excess of those mandated for private schools, and finger-printing and credential requirements for teachers are all part of the price that the people of the state demand in return for the receipt of public funds. No one should be so naive as to think that public and private schools will each receive public money, but public schools will be held to a

higher and more expensive set of standards. Implicit in most private school choice plans, however, is an assumption that such a dual standard will exist. Some plans offer a trade-off. "We will only take half the money you are giving to public schools in return for waiving the law that governs public schools." This is the California voucher proposal. Such a proposal is not about education. It is about providing economic relief to the parents of private school children, whether they need it or not. It is a guaranteed state subsidy to the private school industry.

Public funding of private religious schools poses special issues. The traditional arguments against the separation of church and state do not resonate the way they did 60 or even 30 years ago. For most Americans, the separation of church and state meant no public money to Roman Catholic parochial schools. In any event, the traditional aversion to funding church-related schools had little to do with helping subsidize elite Episcopal schools such as St. Albans, Friends Schools of the Quakers, and the Jewish Yeshiva schools. For example, the growth of Christian schools during the last 30 years was a direct product of the desegregation of the public school system in the South and the massive Latino immigration in the Southwest. The proliferation of Christian schools across America is the result of a perceived loss of moral and cultural identity. The practical demands of money to fund these schools has created the unlikely but necessary alliance that Catholics never had in their quest for public support of parochial schools. The irony is that, while various sectarian Christian schools have flourished, Catholic parochial schools have become less sectarian. The Catholic parochial schools in the inner cities are increasingly populated by

non-Catholics. The parochial schools are filling the role of the poor-person's private school in the inner city, just as they did for the children of blue-collar ethnics a generation ago.

The difference is that, in the past, inner city parishes had families with lots of children and the parishioners, while poor, gave their money generously. Most Catholics now live in the suburbs and are reluctant to support a school outside of their own parishes, particularly one filled with childen of another faith. Compounding this, the reduction in the number of religious nuns and brothers has deprived the schools of an inexpensive, highly qualified, and superbly motivated teaching cadre.

The need of the religious schools for public funding is real and their desperation is understandable. Assuming that society has any responsibility to address the fiscal problem of churches, the solution to their problem is not to cannibalize the public schools.

In a world of limited dollars, America will not support a private and a public school system. It will rob Peter to pay Paul. Peter, in this instance, is the public school. Peter is already groaning under the strain of overcrowded classrooms, decaying and dangerous physical plants, few textbooks, and fewer computers. The teaching staff is demoralized in the face of salary cuts, layoffs and a lack of respect.

To propose funding private education, which is what private school choice means, while our public school system is being strangled by a society with misplaced priorities, is obscene. Without a national commitment to fund an adequate public educational program for pre-school through university level students, we cannot hope to take advantage of the enormous

opportunities that fate has given us in the vast influx of human diversity which has crossed our borders in the last 20 years. These people are our hope, not our problem.

The public school is the most valuable social tool we have to provide a common vision and shared experience. Whatever threatens to tear us apart and further polarize our nation is bad medicine. Public funding of private education masquerading as choice is not the prescription for our nation's future.

A BUSINESS PERSON'S PERSPECTIVE: PRO-CHOICE

Joseph F. Alibrandi
Chairman
Whittaker Corporation

I think our education system in the United States today is failing. Most educators are familiar with how we stack up educationally against our trading partners. Although many of their educational results are improving, ours are going downhill at an alarming rate.

The last International Association for the Evaluation of Educational Achievement analysis measured the progress of fourteen and ten-year-old children. It showed that the only country where the test scores were headed downward was the United States. Every other country was moving in an upward direction.

This is not just a question of whether American corporations can hire qualified people. The issue at hand is whether we can maintain our way of life if we continue to deny our children the bare essentials of an education. Can we maintain our standard of living with generations of people who are completely ill-equipped to compete in international markets? The answer is a resounding no!

In California we have five million students in the public school system. At present, thirty percent of those, a million and a half students, will drop out before the twelfth grade. Approximately another two million will graduate, but not really be able to read what is written on the face of their diplomas. This is really a sorry state. So I, along with numerous

other businessmen and interested civic leaders, have for years tried to address the question of how to reform the system.

We tried everything. We lobbied and got legislation for more school funding. People said reduce class size and we reduced class size. We were told to secure more training and staff development for teachers and administrators and we did that. We even did what I call the "feel good" things, such as encouraging companies to adopt a school for a year or act as principal for a day.

After ten years, and all these reforms, where are we? Education is worse than before we started. What bothers me the most is that it took so long for us to realize and to focus on what the real issue is. The issue is not more homework or smaller classes. The issue is the basic system. What we have is an education system designed to give us mediocrity.

There is no accountability in the system. There is no real competitiveness or striving for excellence. This is not to say we do not have some good teachers. We have some great teachers, and we have some great administrators in the system. But the basic system is not one that encourages creativity or innovation. Rather, it is one that drives toward a least-common denominator. The bottom level of accomplishment is our current educational standard.

Let us consider the following hypothetical case. Assume that fifty years ago, the United States government decided that because International Business Machines (IBM) was the strongest company, and had the best scientists and engineers that it would be the sole American designer and builder of computers. As we look back over that period, we find that what

really happened was that IBM, in spite of all its powers, found itself threatened by two entrepreneurs, William Hewlitt and David Packard, who started their successful business in a garage. While IBM was reacting to them, Apple opened up an entirely new era with the personal computer. At the same time, Digital Equipment Corporation (DEC) became a major rival regarding IBM's business computer. But assume the federal government had made the decision I proposed earlier. There would have been no Hewlitt Packard, no Apple, no DEC, no competition, no innovation, no constant striving to excel -- only mediocrity. It is this competitive element, this heartbeat, that is missing in our government-run educational monopoly.

If we are going to get the kind of results that we want, then we are going to have to introduce innovative and creative competition into the system. That is why I believe the nation needs parental choice in education.

Here, too, we can project a creative future based on competition. Assume there is a school in Corona, California, where the principal and the teachers get together and say, "We are going to violate the rules and run this on the basis of really getting down to fundamentals and providing children with an education. We do not need Alibrandi or anyone else to tell us what is wrong."

They call parents in and they set up detailed contracts with them, even requiring a dress code for all students. They make parents aware that homework is going to be required and that they expect parents to oversee the homework. They make clear they want parents to attend meetings a minimum of once every two weeks at the school. Arrangements are made for parents who

do not own a car so they can attend meetings. No excuses! They then decide that busing is very impersonal, and feeling a responsibility to build a community as well as a school, they arrange car pools with parents as an alternative to busing.

This program continues for five years and the results are startling. Children outside the community are allowed to attend the school on a first-come, first-served basis, and it is not unusual to see parents in sleeping bags in the playground two nights before applications are processed to ensure that their children get into this school.

Now business people who observe families sleeping in a competitor's parking lot waiting to buy a product would demand that their staff get over there and find out what the competition is doing so they could do them one better.

How did the public schools react? Its constituents wrote letters complaining about the competing school's car pool system, how traffic is blocked, and the various rules the alternative school was violating.

This clearly exemplifies the problem. Instead of reacting the way any business or any institution should react, that is, look at what their competition is doing and come up with something better, they argue and battle and keep themselves from accomplishing their goals. This is why we need parental choice.

In spite of the fact that unions and others argue this will destroy public education, the reality is parental choice will help public schools. In fact, this will improve public schools more than any other single thing we can do.

Parents in competitive schools will show up in front of their children's principal with a voucher for $2,500 and in essence will say to him, "Look, we have the power to take our children from here and put them in a private school. We would like to understand why it is that Mike's principal down the street can improve that school, and you cannot improve yours."

There is a tremendous struggle underway in California. And it is not just a battle peculiar to California. Surely, the education unions and the education bureaucracy all across the United States clearly realize that if we get educational choice in California, the momentum will move it across the country. It will only be a matter of time before people get the freedom to select their children's education from coast to coast.

As time goes on, the public school unions and bureaucracies will complain more stridently. They will say, "Children are going to leave the public schools and go to private schools." This battlecry is the Berlin Wall syndrome. They do not want to knock down their walls because they know people will leave. What they should be asking themselves is, "Why do people want to leave?"

Some say that what is wrong with our educational system is that our society has changed and that parents really do not care anymore. But look at what that system has done to parental involvement over the last twenty years. Children are bused half way across town and then some wonder why parents do not participate more in school management.

What can parents do when the system ignores their wishes? What can they do when, against their wishes, the schools unilaterally decide to hand out condoms? Right now, they have no choice.

Only if they were rich enough to send their children to private school or to buy a house in a different neighborhood would they have any kind of choice. So there are a vast number of people who, because they are poor, are trapped in a system that will keep their youngsters from succeeding in life.

What will happen to these students? They are going to be on welfare. They are going to be locked up in prisons. They are going to be the felons who sell drugs and assault the working class. It is criminal for us to not give our children a constructive opportunity to join society.

This is what school choice is all about. We can maintain all the wars on poverty, crime, and drugs ad nauseam, but we are only dealing with symptoms. Unless we give these students an opportunity to get on that first rung of the economic ladder, we will never win the war against poverty, crime, and drugs. Without school choice, we will pay a tremendous price.

A BUSINESS PERSON'S PERSPECTIVE: ANTI-CHOICE

Patricia L. Willis
Executive Director
BellSouth Foundation

For every choice we make, we pay a price. It may be the price of a lost opportunity, the road not taken, but still a price.

What, then, are the costs to those who choose a school outside of their neighborhood in a school choice program? Is the price higher for some than for others? If the price is unequal, should we be satisfied that the rewards are equal? What effects will this have on our schools and on our society?

When discussing school choice, there seems to be an underlying assumption that the one who chooses has the advantage. Indeed, the chosen option may be its own reward, but is the sacrifice appropriate when, in fact, school attendance is compulsory and the choice not to attend school is unavailable?

There are arguments to be made that school choice is not an effective measure to improve education for all children. What should be addressed first is the notion that school choice, in almost any variety discussed today, enforces some hard distinctions between groups, distinctions that we should be seeking to eliminate, not perpetuate.

What are the costs of choosing?

If a community decides to let children and parents choose from among any schools in the district what would the most typical choice look like?

In urban areas, children of the poor who are already segregated by class and probably race, would likely choose to leave the neighborhood school where test scores are low, safety is questionable, materials and equipment are old, and teachers wish they had more seniority to move elsewhere. They would choose a safe school where test scores are higher, teachers more satisfied, materials and supplies more plentiful. The average child of the more affluent areas likely would stay in his/her neighborhood because it is safe, well provisioned, and generally deemed successful.

So the child who lives in the "better" school in the "better" neighborhood expends no additional resources to find a satisfactory situation. What about the students who choose outside the neighborhood?

The students will incur costs of time, travel, and involvement above and beyond the costs of students who choose to stay in their own neighborhood. They must get up earlier to take the longer journey and must find suitable transportation. These students must sacrifice after-school activities in favor of transportation schedules and the time needed for homework. Their parents' ability to participate in school functions is complicated by greater distance and, in the event of other children in the family, by the need to deal with more than a single school in a neighborhood district.

In some highly urban situations, distance may not be a severe issue. Public transportation may overcome concerns about time and distance. Most often, however, where choice might attempt to encompass multiple districts, urban and suburban, transportation is an issue. Granted, the financial costs of transportation may be resolvable. But the costs of time,

convenience, stability are far greater to the student who leaves the neighborhood in search of better education. Is the prize worth it?

No Money Back Guarantees

How and when can families measure the value of schools outside their local districts? If the student is more motivated and enthusiastic about school after the transfer, certainly the change would appear successful. If the report cards and the test scores show marked improvement, likewise, the family will be satisfied with its alternative. But what if such positive measures are not observed? Should the family then select a different school? And when? After one year? Two years? After primary school?

The sacrifice that a student and family are willing to make does not guarantee a student's educational improvement. And the family's eligibility to remove a child from the chosen school does not necessarily leverage change in that institution to meet that individual child's educational needs. True, no reward is ever guaranteed, but what pressure does the "successful" school feel to meet the needs of new students if most of the enrolled students are otherwise local?

Thus, commuting students may pay a high and continuous price and not be satisfied with the outcome. Who then is accountable for delivering to them a quality education? If the parent cannot hold the new receiving school accountable, is there a governing system that can? What power would it have if most other students in that school are satisfied?

Does Choice Mean Equal Choice?

Most choice systems we hear about assume that attendance zones stay intact

and that the choice offered is really the chance to move out of a particular education district. That means that those who do not choose to opt-out essentially have the first choice of their home school. Those who want to opt-in actually have second choice. If there are not sufficient openings in the school, very few students will get to exercise their choice.

So often we hear the promoters of choice quoting surveys of parents where large percentages favor school choice. If the assumption is that attendance zones would be eliminated and that every child might have an equal chance to attend a school of choice, the support for choice among urban, middle class families would deteriorate quickly. Who would gamble with a student's right to go to the suburban neighborhood school? Who would risk a child ending up in a school without quality education?

In virtually every choice plan there is not equal opportunity to attend a particular school, even if there is equal opportunity to choose to leave the neighborhood school.

Free Markets: Providing Choice to Whom?

The cry to open up the market by letting students spend their education vouchers in the schools of their choice assumes that, over time, schools will develop to meet the market's demands. What would make these schools different from supermarkets? Go to your nearest public housing project or poor neighborhood and look around for a grocery store, one that carries a large variety, fresh produce, and competitive sales. You will not likely find a large chain, but small, quick-service markets, mom-and-pop convenience stores where prices are high, whose variety is found mostly in

less nutritious food stuffs, and fresh meats, fruits and vegetables rarely on the shelves.

Local residents certainly have the choice to take a bus or cab or private car into other parts of town where high quality and competitive prices are available. Of course, they pay a price to secure quality goods and produce. Is this what a free market school system will look like?

If inner city schools suddenly have to compete with schools in safer neighborhoods, schools with good records of student achievement, public or private schools with reputations for excellence (often earned on the basis of family income or school program) will they survive? More importantly, will they thrive to give poor children a good education in a convenient location? Our large grocery chains, drugstores and discount department stores do not survive in such disadvantaged urban areas, let alone thrive.

In the world of business and entrepreneurs, when a company or individual decides to develop a new product or service, it capitalizes to insure success. Money is allocated or borrowed to research the market, to develop the product, to hire and train the workforce. A frequent strategy for long-term success allows the business to lose money in its early years while it tests the market and wins a market share.

Choice programs that are lobbied for today normally offer no such early investment in planning, development and staff training. If less popular schools lose funding because of student withdrawal, they would have even fewer resources to meet the needs of those students who remain. If 25 students command $100,000 in funds, and three leave for another school, the 22 who remain will not be as well served with $88,000. The cost of the

teachers, principal, central office resources, building maintenance, the buses, as well as every other institutional requirement will remain the same. The variable factor of instructional materials that go directly into the hands of students suffers a drastic reduction.

Do we deprive students who cannot or will not choose other schools? How bad do we let the situation become before we, the society, close the school and force children to select another location? In these instances choice becomes a charade for failing to accept our responsibility to guarantee every child a good education.

Those schools identified as successful choice models often describe the "choice" that teachers have to teach in the schools and to take major roles in restructuring curricula, school organization, and assessment. These avenues to restructure schools are the real causes of educational success. Choice is but an overlay that may at best, take credit for success.

Conclusion

Choice, as defined strictly by the students' right to attend the school that best meets their needs, even in regard to better sports teams or proximity to after-school care, will not improve schools for all children. Choice may allow a few individuals to find more suitable programs. When the supply of schools is limited, as it naturally is, choice becomes competition, not among schools, but among children -- children zoned for a school versus those who are not; children whose parents will choose wisely against those who do not; children whose parents can stand in a lottery line compared to those who cannot.

The reality is that our current schools are too often defined as white

or non-white, that white schools are seen as successful, and that poor black schools are often unsuccessful. Choice, in essence, invites the unserved poor and minorities to experience what is successful for white middle class children. Is it really that simple? Or is choice really a choice to abandon our obligation to provide a good education for all children?

A LEGISLATOR'S PERSPECTIVE: PRO-CHOICE

William Leonard
State Senator
California

State legislators have many choices when they develop laws and vote on public policies. They can select among numerous policy tools to craft a program that will meet the goals of their constituents. These choices were best summarized in a 1987 paper by Lorraine M. McDonnell and Richard F. Elmore entitled "Alternative Policy Instruments." The policy options outlined by McDonnell and Elmore are well suited to a discussion of educational reform and lead to the conclusion that choice is our best policy alternative.

McDonnell and Elmore describe four categories of policy options. These are:

* Mandates: rules governing the action of individuals and agencies, intended to produce compliance.
* Inducements: the transfer of money to individuals or agencies in return for certain actions.
* Capacity-building: the transfer of money for the purpose of investment in material, intellectual, or human resources.
* System-changing: the transfer of official authority among individuals and agencies to alter the system by which public goods and services are delivered.

McDonnell and Elmore hypothesize that legislators choose among these policies based on 1) how a problem is defined and 2) the resources and constraints they face. What seems obvious is that lawmakers have been settling for mandates and inducements because they have misdefined educational problems and misjudged resources and constraints. When those

two factors are put in proper perspective, it becomes clear that capacity-building and system-changing in the form of choice are better policy options.

PROBLEM DEFINITION

What is the problem with public education? Virtually everyone knows our public schools are failing. Not everyone can cite statistics to support this claim, but just about everyone accepts this conclusion. And although no one can quite make sense of the ebb and flow of student test scores in the last two decades, they do know that scores suggest that something is wrong.

This is about as clear as the problem gets. We have an intuitive sense that schools are not working, but we cannot specifically define why they are failing. Therefore, we have a variety of reform proposals to "fix" whatever is perceived as "broken." For example, some want to go "back to the basics"; others suggest that more creative, special topics would better stimulate students. Some concentrate on enhancing students' self esteem; others demand more stringent grading systems. Some want standardized tests; others prefer more subjective measurements.

The conflicts among reform agendas, public sentiment, and legislator's opinions indicate one conclusion very clearly: we do not agree on the goals, design, implementation, or evaluation of public education policy.

RESOURCES AND CONSTRAINTS

There are substantial resources and constraints affecting our educational system. We have available to us a wealth of human imagination,

innovation and inspiration. These resources may be enough to teach a curious child, but they are not enough to run a school system. McDonnell and Elmore list the kinds of resources and constraints they believe influence the construction of policy: institutional context, governmental capacity, information, fiscal resources, political support or opposition, and past policy choices. All of these are significant for educational policy.

The institutional context speaks to both lawmakers and school administrators. Currently, a legislature creates mandates that are then supposedly carried out by bureaucrats in the state Department of Education and other assorted school administrative offices. This is a constraint. Many of these "educrats" do not see students on a regular basis; most of them never see them at all. Yet students are the point of all of the policies. This is inefficient at best and absurd at most.

Governmental capacity also serves as a constraint in this case. Government cannot provide the education we need. Japan is often acclaimed as the model for education. However, the most and best learning done in Japan is done at private cram schools. These are schools selected by parents to meet the students' needs and goals. The parents pay fees at these schools and students put in many extra hours to reap the educational benefits we acclaim. So when the United States is compared to Japan, consider that the Japanese have already rejected the constraints of government and have turned, in large part, to the private sector for effective educational achievement.

Information is a tremendous resource for any educational reform and it

seems obvious that parents have the most reliable information about the progress of their children. We can and should capitalize on that, but we do not. Instead, we defer to curriculum experts or superintendents or standardized tests. A parent knows if a student is learning in a particular school or classroom. We should empower parents to use that information to best serve their own children.

Funding is this nation's biggest tangible resource and its greatest constraint. Educators report that there is never enough money, and state budgets promise less and less funding in recent years. But even if we were able to give education a blank check, the current system would still fail. Consider that a recent report by the Organization for Economic Cooperation and Development showed that Japan spends the smallest percentage of its national income on education but "gets the most results for its yen." It is not how much is spent, but where funds are spent; and we are not putting our money in the right places.

Political support and opposition are key to any policy change. In educational circles conflicts and alliances among administrators, parents, and bureaucrats have major effects on policy decisions. Policy decisions of the past are also significant because we have a tendency to make policy incrementally. Our previous budget decisions, negotiated contracts, and constitutional requirements may put boundaries on our policy options.

Resources and constraints thus add to the difficulty of defining the problems of education, but they help us identify and focus the discussion of policy instruments.

IDENTIFYING POLICY INSTRUMENTS

When a business problem is seen as the production of "undesirable behavior or goods" or a "lack of uniform standards," policymakers are likely to use mandates to correct these deficiencies. This has been a standard definition of the problem in education: students are not reaching the level we deem acceptable, and we have no standards by which to adequately judge their performance. The assumption is that the existing system can comply with the mandated action and simply produce improved results. We have been trying this in public education for years. After A Nation at Risk was published in 1983, we began to mandate a variety of actions to raise standards. At the state and local levels, we instituted stricter graduation requirements and beefed up curricula. Despite this, no one seemed satisfied that mandates produced the desired results.

When valued goods and services are not being produced with desired frequency, policymakers are apt to turn to inducements. Thus, when we determine that some schools are producing and others are not, or that some students are achieving and others are not, we are led to inducements. Inducements assume, again, that the current institutions have the capacity to succeed but, in this case, they just need more money to fulfill their potential. Ever increasing budgets are the best example of this tendency. For example, in California the K-12 budget rose from $12.7 billion in 1982-83 to $27 billion in 1991-92. Adjusting for inflation and student population increases, this works out to a 13 percent funding gain or an additional $3 billion. That $3 billion has not purchased a desirable product. Clearly, monetary inducements have not resulted in educational improvement.

Because mandates and inducements have failed to solve the problem with present resources and constraints, it is time to rethink our definition and re-analyze the options available. Capacity-building and system-changing are our next alternatives.

"CHOICE" AS CAPACITY-BUILDING AND SYSTEM-CHANGING

It is vital that we think of the education problem differently and make different assumptions than policymakers have in the past. First and foremost, do not assume that our existing public education system has the capacity to produce the results we desire. Moreover, the centralized nature of our public schools often drives them toward mediocrity and, as they are now structured, few schools can meet all of the expectations held by teachers, parents, students, principals, administrators, the public, and policymakers. This leads to the conclusion that if we change the distribution of authority we can change what our schools produce.

If we hold that our existing institutions have failed, a re-investment in future capacity of the system is needed. McDonnell and Elmore write, "Capacity-building responses are usually used to deal with fundamental failures of performance by some set of individuals of institutions." In other words, we cannot spend money on the same old things, but must invest in new material, intellectual and human resources.

Accordingly, we also need to implement a system-changing policy. McDonnell and Elmore summarize, "System-changing responses are generally used to deal with either unresponsiveness on the part of existing institutions to new policies or failures of existing institutions to respond to important changes in the environment." This certainly describes the

state of public education today, and it is this situation which displeases so many people.

Choice is the policy that meets both capacity-building and system-changing criteria. Choice and scholarships* will create capacity where it does not currently exist and will bring a variety of systemic changes, such as the mobilization of available resources, the potential for long-term results, the restructuring of our institutions, the redistribution of authority, and the improved delivery of educational services.

Choice policies require investment in our future, but choice also suggests that parents are best able to determine where that investment should be made. Bureaucrats are usually required by law to invest equally in all schools and programs regardless of results. Thus, we pay for the bad and the good. In contrast, with a scholarship system we will see gradual improvement in educational outcomes. Good schools will prosper and poor schools will either improve or fall by the wayside. By allowing parents to choose where their children attend school, we will be redirecting the human investment into those programs that are viewed as successful.

The system-changing aspect of choice is that when parents are given the authority, they will empower new schools and new institutions. Some choice plans, such as the one I sponsored this year in the California legislature,

---

* The legislation I have sponsored in California uses the term "scholarship" instead of the more traditional term "voucher." I find that many people have a negative impression of voucher because they consider it a "give-away." I prefer the term scholarship because it connotes academic quality and worth and is generally accepted as a positive term.

will create independent public schools. Here the principals, teachers and a site council will have more authority than bureaucrats at offices hundreds of miles away. Many scholarship proposals, again including the one described earlier for California, allow parents to spend their education dollar at private schools. Again, this removes authority from public school bureaucrats. Parents, acting as consumers, will have more of a say in how, what, when and where their children are taught.

Another sort of investment will occur with this change in authority. Many schools, public and private, will begin to apply imagination, innovation and inspiration to the establishment of more effective education. Some schools may specialize in the fundamentals. Others will offer bi- or multilingual instruction. There will be schools offering longer days of instruction or year-round classes. Some schools will have fine arts programs, or concentrate on vocational education, or specialize in college preparation.

The opportunties are endless, but under the existing system, we will never realize any of them. Continued mandates and inducements in the existing institutions condemn us to mediocrity. We will never be able to meet all of the goals we have for our schools. Different students and families have different needs and our schools should be able to accommodate them. The only way to accommodate their needs is to invest in the future and remove authority from the current, centralized structure.

CONCLUSION

The education policies pursued in California over the last several decades have been based on the assumption that more money is all that is

needed to make the existing institutions produce well-educated students. It is time we make new assumptions and pursue new policies. We cannot all agree on the definition of "well-educated" and we cannot reach consensus on the goals or programs that meet those various definitions. No one system can accomplish the multitude of goals that exist for our schools.

Rather than dismiss and deprecate novel proposals, we should foster schools that offer a variety of programs, goals, measurements, and educational philosophies. This will not happen under any centralized bureaucracy that dictates policies and distributes funds. Mandates and inducements have failed. We must now turn to capacity-building and system-changing in the form of choice and scholarships if we are to have the change we so desperately need.

A LEGISLATOR'S PERSPECTIVE: ANTI-CHOICE

W. W. Herenton
Mayor
Memphis, Tennessee

The cornerstone of our democratic social-political system is public education. Today, this universal educational system is under serious attack. The most recent weapon used by critics of our public education system is the notion of choice in the educational market place. This assault continues despite the reality that no institution in society is working harder to realize the promise of democracy and our commitment to justice and equity than the American public school system.

The controversial issue of school choice is being staged as the "centerpiece" of the Bush administration's plan to restructure the nation's schools. Choice is either currently being debated or expected to be taken up in coming sessions of legislature in more than ten states.

The debate over choice in American education is more political than educational. In fact, the proponents of choice offer no substantive way of improving the outcomes of our educational systems. Other than challenging public schools with a further loss of funding and support, the specific gains of choice proposals are nothing more than unrealizable expectations for educational improvement.

Federally or state-mandated choice plans compromise this nation's commitment to free, equitable, universal, and quality education for every student. The most controversial form of school choice, inter-district

choice, allows parents to send their child to a school outside their district of residence. But other initiatives -- magnet schools, intra-district choice (choices within the resident school district), alternative programs, teacher-initiated schools, and unzoned schools -- all fall under the heading of school choice. In thousands of schools nationwide, these kinds of alternatives have been in place for years, if not decades. Choice, then, while rhetorically simple, is in reality a complex topic.

With choice promoted as the "centerpiece" of national education reform, determining what choice can and cannot do is essential. It is clear that choice, in and of itself, will not rehabilitate inner-city schools or revitalize rural schools; recruit a talented and representative teaching corps; lower class size; renovate decaying school plants, modernize curricula and pedagogy; nor extend youth-support systems to all needy students. Each of these goals requires much broader community intervention and a much greater investment of tax dollars than currently available throughout the country. Choice does not solve any of these problems, and it will not substitute for adequate funding or good teaching.

Meaningful education reform can take place only when educators, administrators, parents, and community members at large work together to redesign the schools to meet the highest standards and the needs of local students and communities. Tried and true approaches to lasting improvements in our schools must not be cast aside to make room for the inflated promises of school choice that only provide the illusion of progress and fairness for all students.

Twenty-nine years of experience as a teacher and superintendent make me

cautious when school reform is tied to simple notions and exaggerated expectations. In this regard, the National Education Association statement about the entire subject of school choice deserves our endorsement:

1. We support parental option/choice plans designed to provide a quality education for every student.

2. We believe choice plans at the local level under certain conditions can promote equity, innovation, accountability, local control, meaningful parental involvement, and school improvement for all.

3. Choice may be a beneficial product of a comprehensively restructured school program but choice itself is not and cannot be the vehicle for such restructuring.

4. We support alternative programs in the public schools that meet the specific demands of a changing environment.

5. We oppose state and federally mandated parental option plans with the exception of mandates designed to achieve desegregation.

6. We remain unequivocally opposed to choice plans funded by public tax dollars for private schools.

A LAYWERS' PERSPECTIVE: PRO-CHOICE

Jerald L. Hill
President
Landmark Legal Foundation

Anyone looking at choice in education must consider potential legal obstacles. Unfortunately, too often the key players in these decisions are not concerned citizens and educators. They are lawyers and judges. Litigation, or the threat of litigation, is perhaps the major weapon in the fight against parental choice. These challenges are not insurmountable to parental choice programs, however, if they are carefully drafted and avoid certain pitfalls.

As President of Landmark Legal Foundation, a national public interest law firm, I can report from first hand experience that the legal battles over choice can be won. This foundation is involved in a host of issues seeking to limit the role of government in individual lives and promoting market solutions to the critical problems facing this nation. Perhaps the most celebrated parental choice plan in America is the one enacted in Milwaukee, Wisconsin under the tutelage of state representative Polly Williams. Landmark Legal Foundation represented the parents of children as well as the private schools involved in that litigation. We represented them both in a defensive posture when the teachers' union and a variety of interest groups sued to have the plan declared unconstitutional, and in an offensive posture when we sued the state superintendent of education for what we felt were arbitrary regulations intended to destroy the program.

These two actions were consolidated and heard by the trial court, the court of appeals and ultimately by the Wisconsin Supreme Court. The Wisconsin Supreme Court upheld the constitutionality of the Milwaukee plan and it is now in operation. The Milwaukee litigation raised a number of issues regarding parental choice plans, but it did not address one major issue: that is, what are the constitutional implications if religiously affiliated schools are allowed to participate? The Milwaukee plan, as enacted by the state legislature, specifically excluded religiously affiliated institutions.

Landmark is involved in a second piece of litigation before the New Hampshire Supreme Court representing the Town of Epson, New Hampshire in a tax abatement plan that provides parental choice. This plan allows parents to send their children to religiously affiliated schools. It is likely that the New Hampshire Supreme Court, in addition to other issues, will address the church-state issue. Landmark also has worked extensively with a number of community groups, state policy organizations, and individuals in numerous states across the country where pro-parental choice activity is underway. Some efforts have involved ballot initiatives and some of these grassroots efforts are aimed at the state legislature. In these instances, we are involved in reviewing potential choice plans well in advance of their submission to ensure that they are drafted in such a way as to withstand the inevitable legal challenge launched by anti-choice groups.

The primary legal obstacles to parental choice plans are federal anti-discrimination statutes, state regulations, and the "establishment" clause of the First Amendment to the United States Constitution. In addition,

state constitutions and statutes may present problems that prompt legal challenges to school choice programs. In fact, many state constitutions have more restrictive language, particularly on the religious issues, than does the federal Constitution. These obstacles do not necessarily lead to the conclusion that such plans are unconstitutional. They do, however, restrict the parameters within which these plans must be drafted.

In the 1960s it became common for some school districts, particularly districts in the south, to establish voucher-type programs in an effort to circumvent the Supreme Court mandated requirement to desegregate public schools. As a result, critics of parental choice in the 1990s often claim that education choice will promote segregation. However, today's choice proposals have no discriminatory intent. Their objective is not to avoid integration, but to expand educational opportunities. Indeed, a number of plans, such as Polly Williams' program, as well as those under consideration by a number of states, are specifically designed to meet the educational needs of inner city minority students. Parental choice programs are likely to be of the most benefit to minority and economically disadvantaged inner city youths. Additionally, private schools in the inner cities are often more racially diverse than inner city public schools.

In spite of the reality that modern parental choice programs do not have a discriminatory intent, they must comport with applicable state and federal non-discrimination requirements. For example, federal law prohibits discrimination on the basis of race, sex, or handicap in any program or activity receiving federal assistance. The U.S. Supreme Court in the 1984 Grove City case ruled that even federal scholarship aid funneled directly to

students binds private schools to federal regulation. In such cases, the federal law now requires that the entire educational institution, and not just the portion receiving federal aid, is subject to federal regulation. The United States Department of Education recently issued an opinion letter which confirmed that some federal regulations would apply to private schools and choice programs that receive federal funds. These regulations would consist of general, non-discriminatory requirements which most private schools already easily satisfy.

In addition to the state non-discriminatory requirements, most states have similar statutory and regulatory provisions that apply to recipients of public funds. Any program that provides for direct payment of state funds to private schools would likely trigger such requirements. The Milwaukee parental choice plan specifically applied general non-discriminatory requirements to private institutions that participated in the program. As long as such requirements are in place, parental choice plans should be able to withstand legal challenges based on racial discrimination.

A related issue is the desegregation effort currently underway in most urban school districts. The actual purpose of most desegregation litigation is to change the racial composition of inner city classrooms. Parental choice plans interject a degree of uncertainty into that process that could result in a change in racial composition. This leads some to argue that parental choice is discriminatory. In fact, the opposite is true. Parental choice provides the financial means to provide equal educational opportunities to all children regardless of their economic status and regardless of the location of their homes. Over the long run parental choice plans can serve a useful function in promoting the desegregation of

public school systems. Most choice programs will help those who now lack choice -- mainly low income families whose children attend the worst schools in the nation. In the context of this real world situation, claims of discrimination mounted by the public education establishment and its allies are likely to ring hollow in courtrooms.

The second major area of legal concern for parental choice programs involves the inclusion of religious schools. This raises the question of the establishment clause of the First Amendment to the United States Constitution and applicable Supreme Court decisions interpreting that clause. Additionally, it draws into question the provisions in state constitutions concerning the use of public funds for religious institutions. There is perhaps no area of constitutional law that is more confusing and, at this time, more contradictory than the establishment clause of the First Amendment. For this reason choice programs must be well crafted to be able to survive scrutiny under the First Amendment.

The language of the First Amendement is simple: "Congress shall make no law respecting an establishment of religion." However, its application is extremely complex. The layman's interpretation would not suggest any difficulty with parental choice plans. Aid to families who wish to send their children to religiously affiliated schools does not "establish" religion. Unfortunately, too often courts do not apply common sense interpretations to issues, and the Court's decisions with regard to the First Amendment and religion have been contradictory for decades. In 1989, for instance, the Court decided that the religious creche inside a country courthouse violates the clause, while a Chanukah menorah displayed with a Christmas tree outside a government building does not. This decision,

moreover, elicited five different opinions from the nine justices.

The Supreme Court has used three tests in "establishment clause" cases. Challenged legislation must satisfy each of these tests. To apply it to the issue of parental choice, a plan must:

1. serve a secular legislative purpose;
2. in its "primary effect" must neither advance nor inhibit religion; and
3. not foster an "excessive entanglement" between government and religion.

Parental choice plans easily satisfy the first test since the state has an obvious interest in a well educated populous. With regard to the second and third tests in Aguilar v. Felton, Supreme Court Justice William Rehnquist described them as a "catch twenty-two of [the Court's] own creation, ...whereby aid [to sectarian schools] must be supervised to ensure no entanglement but the supervision itself is held to be an entanglement," a result "far afield from the concerns which prompted adoption of the First Amendment."

Cases involving aid to religiously affiliated schools or the parents who send their children to them have run a bizarre course. The Court, for example, has upheld a program which reimbursed parents for school transportation expenses, including those which had a connection with sectarian schools, but has struck down policies reimbursing non-public schools for the cost of teachers' salaries, text books, instructional materials, and teacher prepared examinations. Similarly, it invalidated a direct loan of instructional materials to non-public schools, while upholding textbook loans to individual students.

The erratic course of the Supreme Court can best be seen in three cases. In the 1983 Muller v. Allen decision, the Court upheld by a 5-4 vote

a Minnesota tax deduction program that provides state income tax benefits for various educational expenses incurred in public or private schools, including religiously affiliated schools. Five majority Justices found it relevant that the credit was only one facet of the state's overall program to achieve an equitable distribution of the tax burden; that the credit was available to defray expenses in all schools, public or private; and that the only state contact with religious schools was to ensure that textbooks for which credits were claimed did not advance religious doctrine. The Court emphasized the program did not impermissibly advance religion because "aid to parochial schools is available only as a result of decisions by individual parents."

The second decision was handed down two years later in Aguilar v. Felton. In that case the Court struck down by a 5-4 vote New York City's attempt to use federal remedial education funds to pay public school employees to teach educationally deprived students in parochial schools. The Court held that the First Amendment was violated because public aid was funneled through a "pervasively sectarian environment" which is required to protect against the use of public funds for religious indoctrination.

The third decision is the 1986 Withers v. Department of Services for the Blind in which the Court ruled unanimously that public funds for the vocational training of the blind could be used at a bible college for ministry training. The points that the Court found relevant to its holding were that 1) funds were dependent on the decision of the individual students, 2) funds were available to private and public schools, 3) the program created no financial incentive to attend parochial schools, and 4)

there was no evidence that a substantial portion of the funds would flow to religious education. In his opinion in the Withers case, former Justice Louis Powell stated that "state programs that are wholly neutral...to religion do not violate the second part of the Lemon v. Kurtzman test."

As we examine these three school choice cases, several points suggest guidelines for parental choice efforts. First, the program should not discriminate in favor of religiously affiliated schools. Second, the program should place the decisions as to where funds are used in the hands of individual students and parents. And finally, the program should not create a permanent and pervasive state influence on religiously affiliated schools. If a parental choice program satisfies each of these requirements, it is likely it can survive a challenge under the U.S. Constitution. Our state court provisions are different and, at this time, more restrictive, but the same kind of analyses the Supreme Court set out in the Lemon v. Kurtzman test are generally applied by state courts.

There are dozens of different parental choice plans on the drawing boards today across America. It takes a well drafted plan to stand up under the virtual certainty of an extensive legal challenge by those who oppose ending the public school monopoly. There are opponents of parental choice who will say such plans are unconstitutional either because they are discriminatory or because they violate the First Amendment. These individuals are simply stating what they wish to be the law and not what it is. It is clear that parents and teachers, school officials, and state legislators can draft constitutional choice programs that work on behalf of the parent rather than on the behalf of the public education establishment.

A LAWYER'S PERSPECTIVE: ANTI-CHOICE

Erwin Chemerinsky
Legion Lex Professor of Law
Southern California Law Center

Vouchers are touted as the solution for American education. But what is the problem that they are trying to cure? The greatest problem in American public education today is a lack of adequate resources for schooling and a tragic inequality in the allocation of those scarce dollars. Vouchers would only exacerbate these problems. For rich and middle-class children who now attend private schools, vouchers promise a partial subsidy. But for the rest of the students -- especially those in public schools -- vouchers are a cruel hoax that will leave them much worse off than before.

I say this for three reasons: First, vouchers would diminish the overall quality of education in the United States. Second, vouchers will exaggerate inequalities in educational funding to the disadvantage of those who most need high quality public education. Finally, vouchers are unconstitutional if they provide subsidies for parochial school education.

1. Vouchers would diminish the quality of education. The tragic reality is that public education in this society is terribly underfunded. Teachers are grossly underpaid and budget cuts promise decreases in salary. For example, teachers in the Los Angeles Unified School District have been informed of a planned 17 percent salary reduction as a result of the State budget crisis. Teachers regularly report the lack of textbooks available to

their students, and they often buy these and other educational materials out of their own money. Classrooms are frequently overcrowded.

Unfortunately, taxpayers and legislators are unwilling to make education a sufficiently high priority to assure adequate funding. Voters frequently have rejected bond initiatives to provide more money for schools. Legislators, politically unable to raise taxes, have little choice but to cut spending when faced with ever increasing demands for funds.

How do vouchers ameliorate this problem? Do vouchers increase public expenditures for education? Of course not. Indeed, vouchers would enormously exacerbate the shortage of money available to public schools. Now a substantial percentage of all elementary, middle, and high school students attend private and parochial schools. The government bears no costs for their education. Nonetheless, vouchers would provide funds to every child, regardless of the school. Thus, the government would assume financial responsibility for an enormous number of additional students -- many more than the number now shortchanged by meager resources.

Where will the money for educating the additional children come from? Is Congress going to provide the tens of billions of dollars to subsidize all private and parochial schools? Are state and local governments going to assume this responsibility? At a time when voters are objecting to tax hikes it seems unthinkable to impose an enormous new financial obligation on the government.

Perhaps supporters of vouchers assume that the market system will produce schools that can educate twice as many students for the current inadequate dollar amount. This is alchemy of the basest sort. The largest

cost in schooling is teacher salaries and vouchers offer no way of decreasing the number of teachers required or maintaining their compensation.

Those who support vouchers must answer a simple question: Where will the money come from to educate twice as many students as are now funded by the government?

2. Vouchers will increase the disparity in educational funding. Today, on the average, 20 percent less is spent on a black child's education than on a white child's. In most states, the primary method of funding public education is the local property tax. With this source of revenue, poor school districts without a comparatively broad tax base are forced to tax at a very high rate, but still have little to spend on education. In contrast, wealthy districts can tax at a lower rate, but have far more to spend on education. The urgent need for equality of educational opportunity has been recognized by a number of state courts that have ruled the system for funding public schools violates state constitutional provisions.

What would be the effect of vouchers on equality of educational opportunity? Parents with more money will supplement the vouchers and bid away the slots in the best schools for their children. For instance, those parents who now send their children to private or parochial schools will simply add their tuition dollars to the voucher and secure the most desirable slots for their children. Parents too poor to afford more than the voucher will be left with the worst schools.

In fact, if the entire educational system is privatized and all public schools are eliminated, what is to guarantee that there will be any schools

available at the value of the vouchers? Alternatively, if public schools remain for those who cannot afford more than the vouchers, the public school system will be far worse off than now because much of its revenue will be diverted to pay for the vouchers for children in private and parochial schools. The impact of vouchers will be to widen the disparity in educational opportunity.

To be fair, a voucher system should include a requirement that no parent can spend more than the amount of the voucher on his or her child's education. This would create equal educational opportunity. Yet, no voucher plan under consideration exemplifies such a limit on spending. The result will be a voucher system that will simply shift public resources from those who most need it to those who already are paying for private and parochial schools. The grave injustice of the current school funding system will be made much worse.

3. Vouchers are unconstitutional if they subsidize parochial schools. The Supreme Court has held repeatedly that government subsidy of parochial schools violates the "Establishment Clause" of the First Amendment. Parents certainly have the right to send their children to parochial schools, but not at the taxpayers' expense.

For example, the Supreme Court has ruled that government programs that give direct financial assistance to parochial schools are unconstitutional. The Court has determined that the government cannot pay for teacher salaries in parochial schools, even for secular subjects or special education. The Court did uphold a small tax credit, given by the State of Minnesota, to cover textbooks, gym costs, and the like. But such a limited tax credit

is far different from large-scale subsidy of parochial education through vouchers. The wall that separates church and state should be interpreted to invalidate any such voucher scheme.

Proponents of vouchers profess faith in the free market economy. The idea is that schools will compete for students and this competition will improve the quality of education. This faith assumes that the deficient quality of current programs is a result of a lack of adequate incentives, rather than a product of a shortage of money. Vouchers, at best, create an incentive through competition, but they only will make resource shortages worse.

Proponents of vouchers never consider a constant problem in the educational marketplace: those with money can buy the best and leave the worst for the rest. In light of the correlation between race and poverty, vouchers will perpetuate and intensify America's dual system of education: separate and unequal.